FORUM
Vol. CXI Number 6

Man vs. Bureaucracy

II. Controls

What is happening to individual rights

By ELLEN D. ELLIS

Professor Emeritus of Political Science,
Mount Holyoke College

IN the first article in this series, we saw that our technological age has brought about a reconcentration of the forms of governmental power in the administrative agencies. We are concerned in this article with the effect of this reconcentration on the rights of the individual.

In the words of Professor Hamilton of Yale, in his testimony before the Committee on the Reorganization of Congress, "administration is here to stay." The solution of the difficulties it involves must be sought in an adjustment of the other organs of government that will preserve democratic values.

The administration, in which the actual operation of government now so largely rests, must be made amenable to the processes of democratic control. Limitations imposed in the Constitution in the interest of individual liberties and the statutory limitations imposed by the representatives of the people must be made effective through judicial control.

Political control of administrative agents may be exercised by the executive or by the legislative arm of the government, or, more indirectly by the voting public.

Through his constitutional duty to "take care that the laws be faithfully executed," the President of the United States is the executive head of the entire administrative establishment. He controls it largely through his appointing and removal powers. The Constitution confers upon the President the power to appoint officers of the United States with the advice and consent of the Senate, except as Congress may vest the appointment of inferior officers "in the President alone, in the courts of law, or in the heads of departments."

Congress has placed many appointments in the heads of the departments, and has circumscribed appointment to some administrative agencies by requirements aimed at securing political impartiality, especially where quasi-judicial functions belong to the agency. The President alone may remove administrative officials, though in the case of quasi-legislative and quasi-judical bodies, the Supreme Court has ruled that Congress may restrict removal power by specifying the causes for which the President may remove officials.

To assist him in exercising executive control over the administration, the President makes use of the Bureau of the Budget. This Bureau, in reviewing estimates of expenditure by the governmental agencies and in planning the budget, is inevitably brought into strategic relationship with the administrative structure.

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The effectiveness of the control which the President can wield over the administrative arm depends on the distribution of power within it, and on the lines of authority existing between its various levels. The Hoover Commission placed major emphasis upon a "clear line of command from the top to the bottom." Given the highly complicated and technical matters with which any administrative system of the twentieth century must deal, political control by the executive over that system can obviously be neither close nor intensive.

The Hoover Report also stresses the need of a "return line of responsibility and accountability from the bottom to the top." It indicates that the President in turn should be responsible to the legislature and to the people. It does not enter directly upon the most difficult problem of how this latter responsibility is to be made effective.

It is true that the executive control of the President over the administration of the laws is subject to the more ultimate control of the people over the President. It is true, also, that this control is aided by clear lines of authority and responsibility in the administrative structure itself. Under the American plan of government, however, this responsibility becomes definitely operative only once every four years. And even at these times, it is subject to the limitations under which the President himself labors.

Direct legislative control over the administration is not provided by the American plan of government. In a parliamentary government, such as that of Great Britain, the legislature theoretically exercises direct control over the executive and administrative organs. This control is made effective in Great Britain through various devices. The direct questioning of ministers in Commons and other procedures may eventuate in either an explicit or implied vote of censure, or in a vote of want of confidence. In any one of these contingencies, the government must either resign, or Parliament must be dissolved and a general election held. This general election offers the British electorate an opportunity for a popular judgment on administrative action.

In actual practice, the tendency in Great Britain has been toward less rather than more active parliamentary control over the administration. Some reasons, among others, for this have been the crisis conditions of recent years, and the increasingly technical and complex nature of the matters with which government has had to deal, which has put them beyond the scope of parliamentary knowledge and experience.

In the United States Congress, no such direct means are available for holding the administrative and executive machinery responsible. Except by impeachment, the legislature may not remove from office; and impeachment may not be for political reasons or for reasons of inefficiency.

LEGISLATIVE CONTROL

Indirect methods of legislative control exist. The administrative agencies are set up and their functions are fixed mainly by congressional enactment. The share of the Senate in the appointing power of the President is another example of indirect control. Others are Congress's power of appropriation and its investigative power.

After the Bureau of the Budget has planned for efficiency and economy in administrative structure and operation, Congress must appropriate the necessary funds. The General Accounting Office under the Comptroller General of the United States, set up under the Budget and Accounting Act of 1921, is nominally a congressional organ charged with reporting to the Congress.

In spite of these arrangements, Congress has not found it possible to retain effective control over the expenditure of money, and therefore, by implication, over the agencies expending public funds. A staff necessary for close and expert scrutiny does not exist. Proper arrangements have not been made for bringing the congressional appropriation committees into contact with administrative agencies for questioning and supervision. The ambiguities inherent in the position of the General Accounting Office as an agency in reality half way between Congress and the Executive, and its dual function of accounting and audit are also responsible.

In the hearings before the Committee on the Reorganization of Congress, much stress was put upon the necessity for establishing a genuine congressional auditing system a-

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part from that of accounting. This problem was not met in the Legislative Reorganization Act of 1946. The Hoover Commission split badly over what should be done about the two functions of accounting and auditing. In the final report, emphasis was put upon the improving of accounting methods. The General Accounting Office was to continue to do both accounting and auditing, with no change suggested whereby its responsibility to Congress might be made more effective.

Congress may at all times carry on such investigations as will, in its judgment, further its work of legislation. These investigations are undertaken in part by regular standing committees and sometimes by special committees set up for specific investigations. The lack of proper arrangements for bringing administrative officials into contact with appropriation committees for questioning has been true of the standing committees also. For purposes of administrative oversight, there has been not enough coordination between these committees and the administrative agencies to be supervised. In 1946 a step toward improvement was taken in the assignment to the standing committees of the two houses of Congress the duty of continuous watchfulness over the administration of laws within their respective fields of interest, and in the provision for increased committee staffs. It is too early to appraise the working out of these provisions.

It must be borne in mind again, however, that in the last analysis Congress can act to correct an unsatisfactory situation only through the slow-working legislative process —that it has no such direct weapon as lies in the British Parliament, or even in the removal power of the President.

There remains judicial control over administrators and administration through the method of judicial review, brought on by any one of a variety of procedures. Judicial review of legislation and of administrative action has been developed further in the United States than in most other countries.

In the case of political control of administration, whether by executive or legislature, protection is secured for the individual only as he may participate in the election of executive or legislator and may thereby be in a position to hold the elected official responsible in the matter of re-election.

In judicial control, a more direct protection for the individual is sought through an appeal to the courts to decide whether the administrative official is acting lawfully.

Most constitutional questions in this connection fall into one of two categories. First, whether, in the conferring of power on administrators, due regard has been had for the American system of the separation of power. Second, whether the administrative agents themselves have in the *procedures* they follow and in the *substance* of their rulings given due observance to the Bill of Rights.

JUDICIAL CONTROL

The specific constitutional question most commonly raised under separation of power has involved the "rule making" function of the administrative official. Since these rules have the force of law, does the legislature in conferring authority to make them, delegate legislative power to the administrator, and thus place this power outside itself?

In considering this question, the courts have recognized that the making of rules necessarily involves a measure of discretion which is of the essence of the legislative function. They have, however, held that where the law has set a sufficiently clear standard or norm within which the administrative regulation must be made, no real delegation of legislative power is to be found. An example is the power given by law to the Interstate Commerce Commission to fix "just and reasonable rates in interstate commerce after hearing evidence and argument concerning them from interested parties." The Supreme Court has held this is not a delegation of legislative power.

In other cases, where the court could not find an adequate standard in the law, it has held the law, and consequently the power conferred upon the administrator, to be an unconstitutional delegation. A well known recent case was that of the Schechter Poultry Corporation v. United States, involving the "codes of fair competition" under the National Industrial Recovery Act of 1933. Here the Supreme Court found that the act did not sufficiently define fair competition, and

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thereby left too much to the discretion of the President, the chief administrator of the act.

This problem involves not only the possible conferring of legislative power upon an individual or agency other than the regularly elected representative legislature. The reconcentration of final legislative as well as administrative power in one person or agency may also be involved.

Questions have also arisen as to whether in the *procedures* they follow the administrative agencies of the government, especially those exercising quasi-judicial functions, give sufficient consideration to constitutional rights.

The procedures adopted by administrative boards and commissions are not clearly defined, as are those of the courts. The administrative agency is also charged with considerations of efficiency and of the "public good", and with the consequent task of somehow reconciling these with the liberties of the individual. Much discretion has, therefore, lain with administrators in determining procedure.

Opinion differs sharply as to that procedure. The lawyers find that the notice given of hearings and the hearings themselves before the administrative tribunal tend to furnish inadequate protection of constitutional rights, especially those to be secured by due process of law. The Constitution of the United States provides that neither the United States nor any state shall deprive a person of life, liberty, or property without due process of law.

Decisions are sometimes made without a hearing, or without hearing both sides. The withholding and the use made of evidence are also criticized. It is also alleged that fundamental principles of Anglo-Saxon judicature have been contravened in that the functions of investigator, prosecutor, judge, and jury are lodged in one and the same body.

The administrators on the other hand point out that, within the administrative boards, the investigation and the prosecution are carried on by subordinates who do not themselves decide the issue, decision resting with the higher-ups.

The Attorney General's Committee on Administrative Procedure, appointed in 1939 to examine administrative practices and procedures in the Government of the United States, made specific proposals for stabilization and improvement of procedure along the lines indicated in the above criticisms. Some of these changes were embodied in the Administrative Procedure Act of 1946.

The courts have taken cognizance of procedural questions of constitutional right raised along the above lines, the complaint most commonly urged being that of deprivation of liberty or property by an administrative organ without due process of law. They have found such deprivation in a large variety of cases.

Individuals have also charged that in the actual *substance* of the rulings made by administrators they have suffered denial of their constitutional rights. They have alleged unfairness in such rulings, amounting, again, to a deprivation of liberty or property without due process, due process here being given its substantive rather than its procedural connotation.

CRISIS

It is here that the most crucial problems of Man v. Bureaucracy arise. The individual finds his actions determined by innumerable rulings of administrative tribunals which affect every aspect of his existence. He may believe those rulings to be contrary to his constitutional rights. Yet they carry with them penalties for non-observance. How sure in such a situation is he of being able to secure a review by the courts?

A question of the law of the Constitution as such the courts will always in some sense review when it is brought before them. They are required to do so by the Constitution itself. Even here, however, a court may adopt either a more positive or a more negative position. It may go so far as to substitute its own judgment for that of the administrative body as to the meaning of the Constitution. Or it may be ready to accept the interpretation of the administrative body if procedure has been correct in its judgment, and if reasonable grounds can be found for that interpretation.

Whether the courts will review administrative findings of the *facts* upon which a case is based presents a more difficult question. In some instances, the statute setting up the agency makes the agency's findings of fact final in all appeals of its determinations to

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the courts. Where this is not provided, a tendency is apparent whereby the courts rely more and more on the administrative agencies for findings of fact. They will in general satisfy themselves that facts found are "supported by testimony" or by "substantial testimony," and that in general the conclusions are reasonable.

Inasmuch as the line between a question of fact and one of law is not always clearly defined, it is obvious that a failure on the part of a court in a given case to review what it considers a finding of fact may mean leaving the final determination of a question of law to an administrative body. If the law requires, for example, that pedestrians shall be reasonably protected from hazards attendant upon building operations, the question of "reasonableness" might well be considered a question for judicial judgment rather than of objective fact.

It is clear that while the increasingly self-denying attitude of the courts in relation to the judicial review of administrative determinations may be in the interest of speed and efficiency in carrying out social programs, that attitude may open the way to a commensurate administrative invasion of individual liberties in the older sense.

Questions arising under statute law have had to do with whether in making a ruling the administrative agency was acting within the scope of power conferred upon it by law made by the elected representatives of the people. Here no question of constitutional law as such is involved. The individual claims rather that the administrative body in failing to keep within its legal grant of power is unfairly or improperly interpreting the law in imposing restrictions upon him.

In such cases the courts themselves may be narrowly restricted by the legislation in question, which may make the administrative ruling final in its findings of the law as well as of the facts. In some cases, on the other hand, only findings of fact are specifically made final. Where the legislation is silent as to findings of law, however, the courts exercise in practice great discretion as to whether and how far they will review the action of an administrative body for its interpretation of law. And here also is to be found an increasing reluctance to review. The Federal Administrative Procedure Act of 1946 seems likely to widen the scope of judicial review, a development anticipated with alarm by some students of administration.

In net result, this inquiry reveals an administrative establishment strongly intrenched in power, and strongly supported by the demands put upon it in a technological age. There is also apparent a somewhat greater tendency to satisfy those demands than to safeguard individual human rights. Yet the ultimate democratic values remain, and are still prized by the American people. Among these are a reliance upon law and upon legal processes wherever the traditional freedom of some individuals must be curtailed in the interest of newer economic and social freedoms for all.

It would appear, therefore, that the solution of the problem must lie, as so often, in the middle way, in a constant balancing of the values of personal liberty and those of efficiency and immediate social justice against each other. Many suggestions along these lines are earnestly debated by students of administration and others. Some recommended changes of administrative procedure have been indicated above. Changes of structure are also advocated, among them a subtraction of the quasi-judicial function from administrative agencies, a separate system of administrative courts.

Behind and beyond possible changes of procedure and structure, however, two things are of supreme importance. First, a most careful method of selection of government personnel, not only to the higher administrative posts, but all the way down the line. The Hoover Commission wisely laid one if its chief emphases upon this. Not efficiency alone should be a requisite, but the ability to make wise judgments in terms of ultimate values. This is true of judges in the courts as well as of legislators and administrators. The judge must have clearly in mind *all* the values to be sought. He must neither unduly expand the scope of what he can effectively do, in the finding of fact, nor shirk his responsibility in interpreting the law.

And first, last, and always in a democratic state, the solution of this, as of all other prob-

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lems, will lie in an intelligent public opinion behind the makers of the law and its interpreters. This is especially true in the United States where the more direct political contacts offered by parliamentary forms of government do not exist.

This public opinion, again, must recognize the universal democratic objectives inherent in the American system and must be informed as to the means necessary for their accomplishment, however great the need for efficiency, speed, economy, and for serving the "public good." Among these means the traditional American reliance on law and on a "government of laws rather than of men" stands in the forefront. And to this end, given the frailty of human nature, a considerable degree of separation of power among the various branches of government, and of differentiation of function within the single branch will probably always be necessary.

Beyond this, eternal vigilance on the part of an intelligent voting public is here, as elsewhere in democratic government, probably the ultimate effective weapon. This vigilance must be alert to ensure that in respect both of procedure and of substance the objectives sought by government officials shall express the highest democratic values.

It may be that the courts have tended to give too great consideration to the traditional rights of the individual, with too great disregard of other members of society in a given case. It must always be recognized that society and the public are themselves made up of individuals. What is desired is that justice and welfare shall be achieved for *all* these individuals in their right relation with one another—not that a mystical totality, "the public," shall somehow be advantaged.

In this latter direction, only totalitarianism and totalitarian values and objectives lie. Roscoe Pound, dean of American jurists, sees in the current development of administration a phase of the development of absolutism in our time. More significant perhaps than this, and more dangerous, is the tendency in administrative ideology and practice toward the totalitarian point of view. Absolutism can exist without totalitarianism; totalitarianism not without absolutism. Together they have become in the twentieth century the most deadly curse of all history.

A Scotsman had to send an urgent telegram, and not wishing to spend more than necessary wrote: "Bruises hurt erased afford erected analysis hurt too infectious dead."

The Scotsman who received it immediately decided it was: "Bruce is hurt. He raced a Ford. He wrecked it and Alice is hurt too. In fact she's dead."

Great Lakes Bulletin

The Chinese fear being sold on something worthless by slick advertising. This fear is so respected that a Shanghai movie house put out this publicity:

"Our latest production is a worthless and highly unlikely film drama which has been burdened further by the futile title, *No Soybeans for Miss Chou.* We can therefore only urge the honorable public to stay away from all theaters where this stupid picture might be exhibited by irresponsible managers. The action is slow and tiresome; the photography is so bad it can't even be criticized; the actors aren't worth applauding."

The movie was sold out for weeks!

N A N A

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Is E.C.A. winning

The Battle of World Recovery

By LAURENCE de RYCKE
Associate Professor of Economics, Occidental College

OUT of every dollar of income taxes you paid to the federal government on March 15, about sixteen cents will be used for foreign aid. That is more than we shall spend on our war veterans, more than the interest on our war debts, and about half of what we shall spend on the armed services. It is more than half of what we shall spend on all other government expenses. Is world recovery that important to us? If it is, can we afford it?

These questions are not simply or easily answered. But they are too important to be ignored, and it would be dangerous to misunderstand their implications. What America chooses to do, especially during the next 10 years, will determine, in large measure, what the rest of the world finds it possible to do. The future of America, and of the rest of the world, may well depend on how well we make our choices.

In order to answer the first question, it is necessary to know first just what we hope to accomplish with our foreign aid program, and why it is important that we accomplish it. Most of our expenditures for foreign aid are being made to restore a measure of economic and political confidence in Western Europe. The familiar E.C.A. (European Cooperation Administration) is the central agency primarily responsible for achieving this objective. Specifically, the E.C.A. seeks to help Western Europe earn its own way without further reducing the standard of living of its people, and to strengthen and maintain democratic institutions by restoring the confidence of the people in the future.

Most Americans would endorse such a program on grounds of humanitarianism if nothing else. But humanitarianism on this scale comes high. Why should we do it at all? Why can't the Europeans take care of their own needs? In all likelihood, Europe could achieve recovery without our aid if the Communists did not interfere with her efforts. But it would take a long time. It is the time element that is most important to Americans.

World War II left Europe prostrate. Our newspapers have kept their readers adequately and correctly informed of the extent of the damage to harbors, transportation systems, factories, and homes. The significance of the damage, however, is oftentimes overlooked. Western Europe is itself a great factory, importing food and raw materials and exporting manufactured products. It was, and may well again become, the most important single foreign trade unit in the world. Such a specialized production area, once damaged, is not easily nor quickly restored to operating efficiency.

It is necessary, however, for our own economic welfare that Western European production be restored as quickly as possible because Western Europe is our best customer. Our own economic welfare is not completely in our control. It is inevitably tied up with Western Europe. If recovery languishes there, we will surely suffer. A merchant whose largest customer has been burned out and who cannot find a replacement is not wise to ignore the event. Trade depends upon production which, in turn, generates purchasing power, and a destitute Western Europe will never be able to buy what we have to sell until it can once again earn its way.

That, in essence, is the economic aspect of the problem. But, inevitably, there is a political side to consider. A destitute Europe is precisely the kind of environment in which Communism breeds best. Communism has no

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inherent strength of its own. It feeds solely on the limitations and weaknesses of capitalism. Make capitalism strong—make it work—and the Communist threat will disappear. But good wishes from capitalist countries are not enough. Ill fed, ill cothed, and ill housed people, whether here or abroad, are interested in one thing primarily—to better their condition with the greatest possible speed. They should not be criticized too severely if Communist offers of immediate assistance are preferred to capitalist good wishes. The French fisherman who voted Communist and prayed to the Virgin for a successful voyage was quite consistent in his own mind when he explained, "The Virgin fills our nets, but the Communists set the price of fish!"

What have we done to speed European recovery? President Truman recently reported to the Congress that United States aid to all foreign countries totaled over seventeen billion dollars in the three years from mid-1945 to mid-1948. This figure has greater significance if one remembers that the E.C.A. was established in April, 1948, and the bulk of the funds mentioned by the President were spent before planned spending was begun by the E.C.A. organization with definite, long-run objectives in view. Parenthetically, it should be noted that we are not the only country interested in assisting European economic recovery. Other countries have supplemented our assistance with over six billion dollars in gold and other resources. On March 14, the Senate Foreign Relations Committee approved an appropriation of about five and a half billion dollars to run the E.C.A. until mid-1950.

This is the monetary expression of our assistance. But important as the money is—scarce as dollars are in Western Europe, and in the rest of the world for that matter—dollars are not what Europe needs. Docks, railways, homes, and factories are not repaired and placed in operation again, and hungry people are not fed, with dollars, but with steel, coal, rolling stock, raw materials, and food. For this reason we have not exported dollars; we have sent little money abroad. Rather we have spent most of the money appropriated for the relief of Europe in the United States. Some of it we have spent elsewhere when our supplies of needed materials were inadequate to cover both our own and Europe's needs, or when our dollars would buy more than at home.

The kind of items we export to Europe is one way of telling the story of Europe's progress toward a position where she can take care of her own needs. Immediately after the cessation of hostilities, the primary task was to keep Europe alive. The bulk of our assistance in those days was in the form of food. As recently as the second quarter of 1948 (April through June), 49 per cent of all E.C.A. commodity authorizations were for food, feed, and fertilizer. During the following quarter (July through September), authorizations for these items dropped to 43 per cent. On the other hand, authorizations for raw and semi-finished materials, mainly nonferrous metals, cotton, and iron and steel accounted for 30 per cent of all commodities scheduled for purchase with E.C.A. dollars during July through September—more than twice the amount spent on these items in the previous three months. Authorizations for machinery and equipment were also considerably increased. All this means, of course, that the task of keeping Europe alive is becoming less of a problem. We are now in the stage of getting the great European factory again into operation so that Europe can once again produce the things necessary to earn her own living.

The progress of economic recovery in Western Europe is more specifically revealed in the following comparisons. The total output of factories and mines in the three months, July through September, 1948, was 10 per cent greater than during the previous three months and almost equal to the 1938 rate. In the vital steel, coal, transport, and cement industries, progress has been encouraging. If the depressed output of Western Germany is excluded, steel output was well above the 1938 rate and equal to the high production year of 1937. The production of coal has also increased, but the amount produced is still below the pre-war rate in all important areas. Production of cement, a basic construction material, is far ahead of pre-war production in all countries except Italy and Western Germany. Total electric power production in all countries participating in the E.C.A. program, excluding Germany, is 50 per cent above pre-

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war. Railway freight traffic is up about one-third.

Production of agricultural commodities showed impressive gains in 1948 compared with 1947 although aggregate output is still below pre-war. Crop yields in the 1948-49 growing season will be about 25 per cent larger than those in 1947-48. The position of the consumer, however, has not greatly improved. This is due, fundamentally, to two factors. One is that the population of Western Europe has increased 7 per cent since 1938. The second is that a larger proportion of available resources is now being directed into investment—that is, income producing assets—rather than into consumer goods. Generally speaking, the supplies of food and clothing, although greater than in 1947, have not returned to the pre-war levels.

Impressive as these statistics are, as an indication of the nature and extent of European economic reconstruction, the significant item to the American taxpayer is evidence of Europe's ability to produce, exchange what she produces for what she needs to maintain or improve her standard of living, and become again the important market for our goods that she was before the war. When this evidence is available, we Americans will be in a position to expect that our assistance to Europe has accomplished its purpose. According to present estimates, it is hoped that Europe may be back on her feet by 1952. Are there any present signs that progress is being made?

The best evidence we have that progress is being made is the statistics of European exports and imports. While the volume of European foreign trade has not made the impressive record achieved by European production, it is improving. If the depressed area of Western Germany is excluded from the statistics, the total volume of exports and imports of the countries participating in the E.C.A. program is now about the same as it was before the war. The increase, however, is not uniform in all countries. For example, exports from the United Kingdom, which is the most important trading country in Western Europe, reached a level of 40 per cent above pre-war in the third quarter (July through September), 1948. At the same time, imports have been reduced to almost 20 per cent below the pre-war volume. No other country showed so impressive a gain. In several countries, exports actually declined during the first nine months of 1948. If the exports of all participating countries, excluding the United Kingdom, are lumped together, the total volume of exports during the third quarter of 1948 (July through September) was at a rate of about 20 per cent less than before the war. Imports of participating countries other than the United Kingdom declined in 1948, but the aggregate figure remained above pre-war.

GREAT BRITAIN

These figures mean, of course, that ability to care for her own needs has progressed further in the United Kingdom than elsewhere in Western Europe. They indicate, furthermore, that less dramatic but still most encouraging progress throughout the entire area has been made. These trends have apparently been used by some unthinking people as a basis for stating that recovery in the United Kingdom has progressed to such a degree that further assistance from the United States is unnecessary. Indeed, some responsible British officials are reported to have made unfortunate statements of a similar character. Paul Hoffman, the E.C.A. Administrator, and the person best qualified to express a judgment on the question based on facts, has given the following answer. "We can now say with assurance that Europe is through the first phase of its economic recovery. . . . This is the time to hit hard for European recovery—time for the Europeans to take drastic and sometimes painful steps necessary for real recovery, time for the United States to back their efforts to the full." This is no time to take unnecessary chances with Europe's economic and political health. The patient might survive if forced to earn his own way now. But the risk is too great and the stakes too high. Further assistance until at least 1952, on a decreasing scale as European recovery progresses, is cheap insurance for our present investment of E.C.A. and other funds and to maintain and strengthen this all important bulwark against Communism.

In addition to the progress report on production and trade, something needs to be

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said about inflation in order to present a reasonably complete picture of the situation in Western Europe today. There are those who argue that, fundamentally, there is no such thing as a "dollar shortage." They believe that the various European countries could solve their inflation problems by stabilizing their currencies. If this were done, trade could be resumed and reconstruction undertaken without the need of assistance from this or any other nation. This is an extreme point of view and space does not permit an adequate examination of it here. It may be pointed out, however, that inflation in the United States since the end of the war places us in a rather embarrassing position to criticize the efforts of the nations whose price problems are infinitely more complex than ours. We suffered *no* war damage to our productive facilities. A price level is the result of many factors, but one of the most important is a level of production adequate to supply the needs of the people. When production is operating in high gear, workers are paid wages which may be used to buy the items produced. Production thus supplies both the commodities—automobiles, washing machines, refrigerators, electric fans—which consumers desire, and also the purchasing power in the form of wages, or interest, or profits with which to buy them. The key to the solution of the inflation problem is, thus, production at a high level. It is this increased production which the E.C.A. program seeks to help re-establish in Europe as quickly as possible.

There are certain technical provisions within the E.C.A. program which are intended to deal more directly with the problem of inflation. This is hardly the place, however, to attempt a non-technical explanation of them. Suffice it to say here that with a few minor exceptions, the Western European countries have made some progress in coping with their inflation problem. More significantly, increases in the money supply and in prices have measurably slowed down during 1948. Of equal importance, and with direct bearing on the problem of inflation, is the fact that labor productivity in Western Europe is definitely increasing. Undoubtedly, this increase is in part due to increases in the supplies of materials and fuel and to improvements in transportation and the food supply. In Italy and Greece unemployment remains a serious problem. In general, however, the war-time dislocation of the labor force is being overcome.

The material presented thus far has dealt with the steps taken to aid economic and political recovery in Western Europe. What of the rest of the world? Nowhere else has this government made so large or consistent an effort as in Western Europe. What we have done for China has been important and has borne measurably satisfactory results. But it has been insignificant compared with our effort in Europe. At the moment, our aid to China, for all practical purposes, has been suspended. Undoubtedly, resumption will wait on the outcome of and a reappraisal of the recent Communist successes there. In like manner, our aid to Greece, our concern over the Palestine question, and the disturbances in Indonesia, while requiring much of our time and effort, have not diverted our attention from our major objective, the rehabilitation of Western Europe.

POLICY

There is strong indication, however, that plans for more active assistance to Western Europe and to other areas are rapidly reaching the policy stage. Specifically, the Atlantic Pact would provide the "North Atlantic Area" with certain military guarantees designed, among other things, to provide greater peace of mind to pursue economic objectives. In addition, the so-called "Global Recovery Plan" of President Truman would extend American economic aid to under-developed countries. At the moment, however, not enough is known about these various measures to make an adequate description or analysis possible.

Can we afford the foreign aid program on which this government is embarked? The question might well be rephrased, can we afford *not* to continue our foreign aid program. This year (mid-1949 to mid-1950), the entire program will cost us about seven billion dollars. If one assumes that it cost us about the same amount during the previous year (mid-1948 to mid-1949), that would make a total of about fourteen billion dollars. Add to that the seventeen billions which the President reported we spent on aid to all

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foreign countries between mid-1945 and mid-1948 and it makes a grand total of thirty one billion dollars spent by this country on foreign aid in five years. That is an average expenditure of about six billion dollars a year —a very sizeable amount. But it is less than 3 per cent of what Americans earned in a good year like 1948. It is an insignificant amount compared to what it cost us to fight World War II in any year. And it is only 40 per cent of what we shall spend on our armed services during the fiscal year mid-1949 to mid-1950. If our foreign aid program should prove to be the instrument which will make a World War III impossible, or even delay the advent of such a catastrophe, it is arguable that the price is cheap. And this calculation leaves out of consideration entirely the real costs of war—the ones which can be understood adequately only by those who have received one of those nerve shattering telegrams from the War Department during hostilities.

A final consideration must now be explored before we can answer the question: Are we winning the battle of world recovery? That is, what is the criterion—what is the measuring rod? What do we mean by world recovery? It will not do to be loose in our thinking about this question. Those who have not established a sound objective through careful thought are the ones who will be easily discouraged. Just what shall we have achieved, if and when we achieve world recovery?

The writer of this article believes that the material presented in the preceeding pages adds up to measurable progress in our battle to achieve world recovery. But this conclusion is nothing more than a personal opinion unless the criterion by which the material is evaluated is stated.

World recovery is apt to mean many things to many people, and it is impossible to be categorical about any definition. But it is possible to list and evaluate certain important ingredients which any carefully phrased definition must include. It must, first of all, include economic and political freedom. People everywhere must be able to control their economic and political destinies before people anywhere can be certain of controlling theirs. That is the lesson, to Americans, of World Wars I and II. Fundamentally, this means government by popular consent—the ability of people to decide through their control of the processes of government just what kind of an economic and political system they wish to have. Secondly, whatever system is decided upon, an increasingly higher standard of living *for all* must be the result. Unless this tangible evidence of progress is forthcoming, no economic and political system will be as good as it can be. Progress toward achieving these two objectives is the soundest kind of progress that can be made toward the ideal of permanent world peace. And, in turn, unless permanent world peace is achieved, economic and political stability and progress is sure to fail. The problem is thus interrelated. An adequate solution depends upon effective attack along several fronts at the same time. Our foreign aid program is attempting to do just this.

An example of the inadequacy of popular thinking about these vital questions is the manner in which most of us think of the term "world peace."

Something much more explicit and definite is needed if it is to serve as a guide for constructive thought and policy. A more adequate definition of peace would include at least the following elements: absence of war and the fear of war—whether that be a shooting war or economic or political warfare; abolition of the use of force as a method of settling differences of opinion or disputes; cooperation and interdependence.

If we accept these criteria as a guide to policy, and the writer is convinced that nothing less comprehensive will prove workable, then we must be prepared to encounter differences of opinion concerning the most effective implementation to be used in solving specific problems. For example, we Americans must not feel put upon if our E.C.A. expenditures succeed in restoring European production rather quickly to the place where European producers become once again serious competitors to us both in foreign markets and even here at home.

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The Economic Basis of Southern Politics (II)

By THOMAS D. CLARK
Professor of History,
University of Kentucky

The Southern newspaper

AT first glance, southern politics over the last 90 years appears to consist of personalities who have highlighted recurring issues in the South. That personalities have been important in southern politics is undeniable, but it would be erroneous to focus too much attention on them. Public opinion on certain specific regional issues has always been a strong factor. Thus any agency which has influenced public opinion must be considered to understand the southern political mind.

In 1865 there were southern cities as well-known as any in the Union, but for the most part these were along the Atlantic coast and on the major rivers. None of these cities were large in comparison with those in the East or with those of Europe. In the secondary group of larger towns, populations were comparatively small, and the facilities for communication were neither well organized nor widely diversified. Until 1900 most southern rural communities bore aspects closely resembling the American frontier. Because of this, it was difficult for more populous centers of the region to spread their influence over any considerable area. In all of the larger towns there were agencies for influencing public opinion, but none of them was able to reach the whole South. The daily newspaper was an important factor in many southern cities, but its effectiveness waned rapidly beyond the town limits where it was published. Poor roads, ineffective delivery service, and uncertain rural incomes prevented the daily paper from becoming important in large areas of the South.

Since the daily paper was limited in its appeal, the brunt of the shaping of opinion rested with the weekly journal. Just as city mercantile establishments failed to serve the needs of the economic South during the years up to the end of World War I, the daily newspaper likewise failed to serve the same people. It must be said at the outset, however, that no one perhaps knows a method of measuring the precise effects of an organ of public opinion. It is safe, however, to assume that the southern country weekly paper both shaped and reflected the turn of the southern mind. Local editors were close to their readers, and they both knew and shared with them their prejudices and their fears. Seldom did they regard politics in an objective light. Their stand was nearly always a partisan one which reflected their philosophy of what counties needed to assure governmental salvation.

The approach of the local paper to political problems was often an indirect one. To understand what was happening in the first 70 years following the Civil War, the reader has to appreciate the fact that many issues were molded together to make a composite picture. The southern agrarian mind followed many diverse channels to arrive at a single conclusion, and these have to be viewed as a whole. There was the all important race issue, which was not always stated in concise terms but which was politically significant. The shaping of the southern political mind

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on the issue of the Negro is a complex study in race and regional psychology.

Almost without exception, southern rural editors looked upon the Negro as a disturbing element in the section's social system. Reasons why this was true cannot be stated simply, but among them was the fact that he was a badge of defeat in the war, and even worse, a reminder of the tragedy of reconstruction. Racial differences were within themselves antagonizing factors. But racial differences coupled with the Negro's illiteracy and relatively short period of orientation in the white man's society intensified opposition to his participation in governmental affairs. Slave insurrections and reconstruction riots, no matter how inspired, formed traditions of racial violence which were regarded as threats to peaceful government. Persistently there were rumors that race riots were imminent, and sometimes these were founded on some fact. More often it was assumed rumors were true because of the basic and bitter rivalry between the races. This condition supplied sensational material to both editor and blatant politician to develop a rugged antiracial opinion.

In many instances, the Negro in politics became an innocent victim caught in sharp political rivalry between the Democratic and Republican parties. Especially was this true in the activities of the Freedman's Bureau during reconstruction. The assumption of the Negro's natural allegiance to the Republican Party has persisted ever since. In areas where the Negro population has been large, there has always been the fear that government would be Negro and Republican dominated, and the white man would find himself under the heel of the black. In other areas where the colored population has been small, there has been almost the same amount of fear because of the importance of the balance of power factor. Added to this is an abiding bitterness toward outside interference in regional affairs and in most communities attempts by the Republican Party to organize Negro voters have been considered outside interference.

One more factor should be considered in discussing the race factor in southern politics, and that is the social aspects of the biracial system. In every phase of his social life where the Negro must be associated with the white man, there has been some friction. Perhaps the most pronounced point of disturbance has been in the field of interracial sex relations. Tragically the white man has crossed the color line to the degree that a significant element of the Negro race is mulatto. But on the other side of the cross involving Negro men and white women, the South has established its most guarded taboo. It is factually true that rape has never been the major cause of lynching, but this condition does not take into consideration the enormous influence which the smaller number of rape lynchings have had upon southern public opinion. Despite the fact that sex crimes have long ago been proved not to be the cause of most lynchings, the figment of the bestial nature of the Negro was well fixed in the southern mind before 1876. The color of his skin, his sensuality, his illiteracy, his recent African background, and his most unfortunate association with radical republicanism have all blocked his way to full political participation. Prejudice against him has been used conveniently to check many unrelated political reforms in the South.

The broad scope of race issues has led to the passage of peculiarly sectional legislation. Among these have been restrictions on Negro testimony before the courts, the right to vote, restricted educational opportunities, segregation in communities, segregation on public carriers, and a failure to pass constructive legislation generally in his behalf. At the same time, the passage of poll tax legislation to restrict Negro political activities has perhaps been as restrictive of white voters. All of these have come in time to signify peculiarities of the South, and have been at one time or another major issues in southern politics.

During the era of post-reconstruction constitutional reform in the South, there was a bitter outpouring of opinion on the subject of Negro participation in government. It must be emphasized that throughout the nation in the 1880's and 1890's constitution making was under the heavy spell of regulation. State charters grew long and detailed. In order to bring about the restrictions on corporations and individuals which seemed necessary, framers of new state constitu-

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tions entered freely into the field of statutory law. This was true in most of the southern states where constitutional revision was general but here delegates went one step further and disfranchised the Negro by adopting special regulatory restrictions which few Negroes could meet.

This latter reform of southern government was not accomplished alone by the prejudices of the people at the polls. Thousands of editorials hammered away at the issue. They perhaps did not necessarily create basic opinion against the Negro, but they performed the more important function of unifying and focusing it in such a way that constitutional conventions would be forced to conform with popular opinion. If this latter statement seems broad, it can be further strengthened by the fact that an ultra conservative electorate, which might have found many sections of the new constitutions objectionable, was blinded to most of these major issues by the publication of the facts relating to abolition of the Negro vote.

There were other issues besides the racial ones which appeared in the rural press. As consistently as they opposed the Negro in politics, editors hammered at agrarian reform. They wanted reform in the region's agriculture to come through diversification of crops, improved methods of farm credits, better markets, increased purchases through home markets, and more independence generally on the part of the farmer. They did not want reform, however, to come as a threat to the established political pattern of Democratic predominance. Reform in this sense was expressed by the editors as an extremely conservative thing. It was, in their minds, purely economic in its limitations and could not be interpreted as involving the region's social and political systems.

Almost without exception, weekly editors accepted the earlier granger movement as a blessing to southern farmers, and later denounced agrarian organizations which assumed political hues. When the farmers' organization showed an interest in politics, the columns of local papers were closed to reporting organizational activities and a vigorous fight was on to maintain the old line conservative political *status quo*. Rocking the southern political boat by populist reformers was looked upon as a threat to all the region's conservative accomplishments since 1876. The Negro might again be admitted to politics. Republicanism would submerge the southern political system, and domination from the outside would deny southern independence.

The battle to combat southern conservatism and to lead the fight for reform in the 1890's brought forth some rather powerful political figures in the South. So-called "Bourbons" gave way to a new people's leadership. There was a slow and reluctant shifting of allegiance from the old to the new on the part of the local press. Reluctantly editors gave up proved conservatives for the new leaders, but once this occurred they became loud advocates of the new order.

Southern newspapers in smaller cities and towns have always had strong personal editorial policies. This has always been true in politics, and while it is not definitely known whether the influence of the press has been strong enough to elect candidates to office, it has been much sought by them. Candidates have even subsidized the organization of papers to support their pleas for office, and no doubt they have materially helped their causes.

EDITORS

Before we can understand the workings of local southern politics, we must see the weekly newspaper in its traditional role. In a great many instances, editors were long-lived and their papers became important guideposts in the process of local thinking. The editor himself was a strong personality who possessed the ability to state his opinions in vigorous local idiom, and within the framework of local prejudice. Unlike city editors, he was able to reach his constituents in both conversation and by editorials which always made him a strong factor in the outcome of an election. It was not true, of course, that the editor's candidates always won election to office, but it was true that their aid was not to be spurned. Certainly James K. Vardaman, Tom Watson, Ben Tillman, Theodore G. Bilbo, Huey P. Long, and an army of others would agree to this point. In the editor's hand, the local and state politicians tended to become idols of the people. Editors constituted themselves keepers of

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the localities' traditions, and at every election season they brought them to light and explained how their favorite candidates would fit into the revered regional framework.

Perhaps more important than simply being guardians of local political traditions and prejudices, editors were in a sense watchdogs of progress. They looked backward into vistas of political safety, and forward to safe local progress. They, better than anybody else in their communities, could outline local needs. In most instances, they were perhaps the only persons who had anything approaching a blueprint for the future. As a result, local editors had the distinct advantage of being able to say just how their favorite canditates would help to facilitate these blueprints. At the same time, they were able to say to their candidates what they believed were the most acceptable political viewpoints for them to assume.

Even beyond the mere matter of stating a viewpoint in clear understandable terms, editors have been masters of using personalities to their advantage. Candidates first of all have been presented as personalities capable of special accomplishment. Since the Bourbon era, the successful candidates have been pictured mostly as men of the people with innate understanding of what their supporters wanted. They have been portrayed as folksy messiahs who have traveled the hard road, and know first hand the dreams and emotions of the poor man. Then they have been pictured as great men of action who would kick out encumbent moneychangers from the people's temples and install in their places honest, frugal men. The appearance of James K. Vardaman, for instance, in a Mississippi town where he had the support of a local editor was heralded as one of the greatest occasions in the community's history. The coming of Vardaman was likened to the arrival of a great tent meeting revivalist and it took an infuriated voter indeed not to be impressed to the point of voting the editor's ticket.

Editors not only worked hard at directing the course of local and state elections, but they participated actively in national politics. Perhaps the entire southern rural press, except in the election of 1928, has never had any significant effect upon the outcome of any given election. But the influence of the country press upon national elections is beside the point. What was more important is the fact that the persistence of the Democratic Party in the South is largely due to the tenacity with which editors have fought for it. Had it not been for the continuous hammering away for national candidates, there is no doubt that a two party system of politics might long ago have become an accomplished fact. Here again it was a stubborn rural conservatism which has ruled southern political history.

Once in office, the success or failure of the elected official was reflected by the local press. Editorials no doubt influenced the course of legislation. A semi-organized state press poured enough editorial opinion into the desks of legislators and governors to secure a correct reaction.

The conservatism of the press, unfortunate racial taboos, the domination of personsonalities, and a generally inferior regional educational system have shaped the southern political mind. Demagogues have become products and not makers of the system. Perhaps it is safe to say that a great percentage of the southern editors have not wanted the political system which they have helped create. But they have fought so diligently to keep the southern political mind safe and unchanging that they have been content with an inferior demagogic by-product.

In recent years of improved industrial conditions, communication facilities, and transportation, the traditional southern political picture is changing. The old agencies of public opinion still remain conservative, but almost without knowing it they are being forced into the dreaded situation of tolerating a two party system. At the same time, there are appearing on the scene limited numbers of new political personalities in the form of the office seekers with liberal labor and racial views. The old southern political battlements are again being threatened.

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Italy on The Eve of The Invasion

By MARIAN TAYLOR ABBAGNANO

This is the fourth article which Mrs. Abbagnano has drawn from her forthcoming book —ITALY AND THE ITALIANS—1939-1948. The first three appeared in the June, November, and December, 1948, issues.

SPRING is inordinately beautiful in Italy. However hard, uncomfortable, or morally corrosive the conditions of an Italian may be, when spring comes round, he always feels that at least half his troubles are over. It is as impossible to live in perpetual dismay and anxiety as it is to live in perpetual enthusiasm; and a people who are naturally inclined to enjoy life—even in its simplest and most humble gifts—will find plenty to be cheerful about even in the most disastrous circumstances. The moral and material conditions of Italy in the winter 1941-42—if they had not been made ten times worse in the following years —would certainly have been deemed disastrous by any common measure. But as spring came around, people drew a sigh of relief, saying: "Well, we *did* live through this winter of war which we all thought impossible, and we are still here to tell the tale. At least, now we know that we are nearer the end than the beginning. It is so obvious that Italy can't hold out much longer . . . ." And the most complicated fancies of armchair strategists would show you just how and why it was advisable for Germany to allow Italy to make a separate peace.

Certainly, optimism had scanty food to prosper on in those months, whether it was the optimism of the majority who hoped for a speedy end no matter how, or that of the small minority who thought they still hoped for victory. Everybody was expecting an Allied landing in Europe sometime in the near future and that was to be the great new event which would change the face of the war. The fact that the Germans (after having "pooh-poohed" the very idea with scathing sarcasm for a year) were now publishing photos and articles about their "formidable" defenses on the Atlantic coast, showed that even they considered this landing possible. At the same time, articles in the German and Italian papers began to lay great stress on the heavy German losses on the Russian front (placed at 1,500,000 men killed, captured or wounded). They added that, even if spring was coming around, it was still quite cold in Russia—rather a lame explanation of their inactivity. All this was somewhat surprising, coming from Germany; and the Italians did not fail to notice the first signs of flinching in the master race.

Conditions inside Italy were gradually, relentlessly getting worse. There were still further food restrictions, and the bread ration was cut from 200 grams per day to 150 (5-1/3 oz.); it was dark brown, soggy, badly leavened, and damp. Wine and cigarettes began to get scarce, and the prices of coffee and tea were so high that nobody could afford them. Commodities such as meat, butter, eggs, and cheese were supplied by the "black market"—little old women bringing mysterious packages to town at the bottom of their baskets. The black market was sporadically prosecuted, and its prices kept rising. The authorities had the impudence to publish figures showing that a family could live on exactly the same sum as before the war. In their family budget, they included *only* rationed foods (whose prices were frozen), blithely disregarding the fact that the monthly rations (even if they had been regularly distributed) were just enough to undernourish

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one person one week per month. It is no wonder that the black market operators were nearly national heroes. If some protests were made about their high prices, the blame was laid on the government who prosecuted them.

The gas in the towns was cut to seven hours per day, at fixed hours and at a very low pressure. Many trains were stopped, and all dining and sleeping cars; freight cars, with no lighting or heating, had begun to be used on many local lines. Travelling had become a voyage into the wilderness, with no taxis in blacked out cities, no food to speak of in the restaurants, no heating or hot water in hotels.

Fascism and its war had become so unpopular by this time that, on the anniversary of the foundation of the militia, a day on which all fascists were obliged to wear black shirts, very few black shirts were seen in the streets.

RUSSIA

As summer came around, Hitler began another of his terrific advances which was to bring him nearly to the Caucasus. An Italian expeditionary force was sent to the Russian front, an extremely unwise thing for Mussolini to do. Jews swinging from lamp posts in Polish towns or packed off to dig their own graves in open fields, villages burnt down, mass executions, the forced labor of men and the forced prostitution of women — these things left most Italians horrified beyond measure. And theirs was not the horror of maudlin sentimentalism which, having always been sheltered from crude realities, shudders at the first contact with them. The horror of the Italians in Russia had a much deeper root: the fundamental measure and equilibrium of a Mediterranean race, nurtured on Roman law, a temperate climate, and human tolerance for two thousand years, which naturally abhors excesses of any kind, psychological or material. The contact with the cold-blooded, systematic, highly organized atrocities committed by the Germans in Russia and Poland convinced the Italians that the Germans were collectively mad, intoxicated by the exaltation of a raving maniac. Or, if they were not mad, they were the most nefarious and loathesome race on the face of the earth, in spite of their organization, higher standard of living, *kultur,* and achievements (the superiority of which the Italians, as usual, were fully prepared to acknowledge).

But, despite Hitler's thundering and foaming at the mouth, despite his spectacular advances in other sectors, Stalingrad was resisting his attacks and kept on resisting. The Italian paper and radio propagandists had tried to explain away the tenacity of Russian resistance; the Russian soldier, they said, fights because behind him there are political squads ready to shoot if he retreats or flags in his resistance. Nobody believed it. And the dogged, unflinching, at times incredible tenacity of the Russians, their guerrilla activity when occupied, their scorched earth strategy in which they did not hesitate to destroy works they had painfully built in hardship and privation, fully convinced the mass of the Italian population that the mass of the Russian population must be thoroughly satisfied with the regime. The Italians knew too well, by their own experience, that no amount of persuasion or coercion could substitute for that inner urge which makes men fight with conviction and determination.

While the people of Italy were thrashing out their material and moral problems, Mussolini and his government were doing their utmost to widen and deepen the gulf between themselves and the people. *Mussolini ha sempre ragione!* (Mussolini is always right!) Nothing could go wrong, there could be no mistakes; the refusal (but not the incapacity) to face facts gave a counterfeit accent to every statement of the government. It was out of the question to admit that Italy's situation was anything but brilliant, either from a military or from a moral point of view. The government, in an effort to shorten the gap between reality and its fancy, tried to impose upon the people the external appearance of cohesion and approval. The people of Italy were a compact mass of ardent, faithful fascists, conscious of the gravity of their task and of their responsibility to uphold civilization against enormous difficulties. Such a people could not possibly think of indulging in a superficial enjoyment of life. They were grave, somber, immersed in the grandeur of their destiny. So new decrees were published —for the benefit of the isolated few who did not conform to the general consensus of opin-

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ion. It was forbidden to dance, to go to restaurants or cafés in groups of more than six at a time, women were forbidden to wear trousers or shorts or too succinct bathing suits. In fact, any manifestation of enjoyment or high spirits was regarded as nearly treason. Three young men were deprived of their party membership (which probably meant losing their jobs), and publicly put to shame in the papers because they had been seen going on a merry-go-round and laughing uproariously.

Such a state of affairs would have been utterly intolerable for the bulk of the population had it not been for the fact that the very people who enforced these regulations were, after all, Italians. Which means that they never really took themselves or their decrees very seriously. They were secretly delighted at elusions of the law. But the rare exceptions of fanatics or opportunists were enough to maintain and intensify the atmosphere of diffidence and distrust between one man and another. It was necessary to feel one's way, tentatively, guardedly, in the course of each new contact. And though this may be amusing and exhilarating for people of wit and sensibility when it is practiced on an individual scale, it becomes tiring, exasperating, and oppressive when it must of necessity be applied to everyone.

BOMBING

The great event for the people of northern Italy in late October, 1942, was the beginning of "real" bombing. Though Naples had been severely strafed in the past year, and the cities of northern Italy had had numerous raids, still everybody knew that so far the bombing had been kept on a truly Italian scale: a scale where things never go really very badly or really very well. But October, November, and December, 1942, brought true disaster to Milan, Turin, and Genoa. It is useless to describe the horror and anguish of bombed cities. If you go to the end of your imagination and sensibility—or memories—you feel sick and if you avoid doing this, the bombing of cities becomes just one more necessary military operation, which has regrettable consequences for the population.

The Italians had been so indignant at the German terroristic bombing of London in 1940, and were so utterly convinced that the English were incapable of behaving in the same manner as "the barbarians," that it didn't occur to most of them that these bombardments were terroristic (which in point of fact they obviously were). Lengthy explanations were supplied concerning the targets which had been aimed at and missed. As for the incendiaries, which at times had been poured upon towns like water from a sprinkler . . . . well, perhaps their object *was* intimidation, but after all they weren't intended to do much lasting damage. The fire brigades were completely inadequate to cope with them, but the people managed to put most of the fires out themselves.

The bombing did rouse a wave of indignation, but it was against Mussolini. "It was you who dragged us into this war willy-nilly, it was you who baffled and misled us promising easy victory and swift success, it was you who asked us to share the honor of bombing London, it is your propagandists who have thrown dirt on England . . . . it is your fault if now we are bombed. Of course the English bomb us!" And they almost added: "and a good job they do." For among the people, especially the lower classes, in the midst of the incredible discomfort, disrupture of public services, fear, danger, there was one dominant thought: "This has *got* to be done, so don't let's make too much of a fuss about it. And the worse it is now, the sooner it will be over." People talked endlessly about the bombing, and people were afraid of the next bombing. But, considering that they were not upheld by any patriotic solidarity save the intense desire to be beaten as soon as possible, the steadiness, calm, and altruism shown by the people—especially the lower classes—of these cities was admirable.

In November the Germans very kindly sent 100 antiaircraft batteries, ostensibly to help in the defense of northern Italy. But for the first time, German armed soldiers were seen in the streets of Italian cities. Noticing their swaggering manners, people realized that their guns could be used horizontally just as well as vertically, and felt proud to be considered worthy of such attention.

During these intensive bombardments, a

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factor which had been noticeable on a minor scale since the beginning of the war became very obvious: a rift, a cleavage between the lower and middle classes on the one hand, and the upper classes on the other, i.e., that small minority in Italy which earns or has even a little more money than is strictly necessary to live decently. Undoubtedly, the most lovable and admirable characteristics of the Italians are more easily found amongst her lower classes. Perhaps because the struggle to acquire a position of vantage is so risky and difficult—and also because the needy amount to about half the population—the upper classes have, most often, a very scanty sense of *noblesse oblige*. Moreover, the lack of any real patriotic appeal in the fascist war —for the great majority of the population— gave rise to a tendency to try and forget it, on the part of all those who possibly could. So the bulk of the people, as they found themselves drawn into the ever tighter cogwheels of privation and discomfort, were embittered not only against the government but also against the privileged classes who could feed themselves properly and afford to forget the war. This last, under the baffling and despairing moral conditions of the Italians, was a very comprehensible ambition.

COMMUNISM

As disaster overtook the cities of northern Italy, this differentiation became more evident. The cities were practically evacuated; some firms transplanted their offices to the country, and almost every family with children either went to the country or sent their children. Most households were stripped of their furniture. But the factories could not be transferred and, of course, many business concerns and civil administration offices remained in town. Hundreds of thousands of workmen and employees either stayed in town at night (no heating, no comforts, little food) and took the bombs, or performed ghastly trips back and forth every morning and evening in incredibly crowded, icy, blacked-out trains. For the privileged minority, the evacuation of the cities meant resorting to country homes where food from the land was abundant, or to a chalet or villa on the shores of the lakes.

If one couples these circumstances with the stimulus of the tenacious Russian resistance to the Germans, and communism understood as the antithesis of fascism, it is not surprising that great masses of working classes in northern Italy began to be powerfully attracted to communism.

The Allied landing in North Africa, the advance of the 8th Army from El Alamein, the bombing of Italy, were sure signs that it was really the beginning of the end in the Mediterranean. Nobody yet knew exactly how that end would come about: whether through actual military defeat, through an interior revolution led by the army, or through a mere crumbling away of any pretense to resistance. But it was obvious to everybody, save Mussolini and some members of his immediate entourage, that Italy as a belligerent power would be signed off in the course of the next year. This meant the end of fascism, which in turn meant the constitution of another government, a government that could disavow the fascist war and make peace with the Allies. What government?

All this sounded like a fairy tale to the average Italian, who had been grumbling against fascism for 20 years, expecting and awaiting its eventual fall. But in December, 1942, and with increasing intensity during the following six months, the prospect and the necessity of this event began to loom on the horizon of every private citizen. The anti-fascist parties, which had always been remote and hypothetical entities for the average citizen, became organized into compact unities. Their clandestine papers were passed from hand to hand in offices and factories, and everybody read them or at least had heard about them. They all proposed political programs, the actuation of which was left to the fancy of the reader: "we want the end of the war, the end of dictatorship, the nationalization of industries, the redistribution of the land" (*Partito d'Azione* in its first number of *Italia Libera*, January, 1943). The Communists proposed a mild and diluted form of communism in which small private property and private enterprise were preserved. The general trend of spirits, not only among the working classes, was leftist. Fascism was reactionary; fascism had brought disaster. The Russians

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were, at that moment, the most forceful and spectacular opponents of the Germans. Moreover, everybody was willing to recognize that fascism had taken hold in 1922 because of the rampant fear of communism; so the most obvious reaction was to say: "let's not be afraid of communism any more, and thus avoid any future mistakes." (I am following the reactions of the average man in the streets, whose clarity of thought about political problems was and is no greater or less than anywhere else in the world). There was a still further reason for leftist sympathies in the people: the fact that Russia was the ally of Britain and the United States. Fascist propaganda gloated over all the reasons for discord between the western Allies and Russia, and flashed them across black headlines. But the function of fascist propaganda had become that of making people invariably believe exactly the contrary of what it said—without considering that sometimes it might just possibly be telling the truth. People inside Italy were firmly convinced that the Western democracies and Russia were bosom friends, which was a powerful credential in Russia's favor. Communism, then, must not be such a terrible thing after all; and the conclusion of this consideration was that it had been a silly and ghastly mistake to cringe before the communist bogey 20 years earlier and throw oneself in the arms of the first powerful protector.

PRISONERS

Over Christmas of 1942, and the New Year, hung the dismal news of the disaster of the Italian expeditionary force in Russia. Nobody cared much about the military defeat—that was in the natural order of things. But thousands of Italians had husbands, brothers, sons in Russia—men left to trudge over the desolate, snow-ridden steppes, to die of cold or starvation, to be killed or captured, while the German "comrades" ran off with all the transportation units. And there was the great uncertainty about how the Russians treated the prisoners—or disposed of them; rumors got around that the partisans took no prisoners and that to fall into their hands meant certain death. Other rumors said that the regular Russian Army made a distinction between the components of the Italian Army and those of the fascist militia; the latter were killed off. (And despite the Italians' innate gentleness and revulsion from bloodshed, many people were so embittered by this time that they approved of this measure.) The exact figures of those killed, captured, or dispersed on the Don that winter do not yet seem to be ascertained (vaguely around 80,000). But in January and February, the first wretched contingents who had managed to escape, began seeping back into Italy. Their eyes were hollow and dry with the horrors they had seen and undergone. They spread tales which told of German brutality and fascist absurdity and of the simple, good-natured Ukrainian peasants who had often hidden them both from the Germans and from the Russians. (Wherever fate or the fancy of their dictator landed the Italian soldiers—in Russia or Greece or France or the Balkans—their warm-hearted generosity, their lack of fanaticism, their simple appreciation of universal human values, made them immediately fraternize with the population and in turn be liked by it.)

As the spring of 1943 came round (without bringing any message of freshness or beauty, this time), the atmosphere of moral and material disintegration became ever more intense. Food and transportation difficulties, the almost daily bombing of one or several cities, water supplies lacking all over southern Italy, prices rising, more and more workmen obliged to go to Germany to save themselves and their families from starvation—everything seemed to be crumbling into dust and decay. The stench of putrid corpses buried under tons of debris in the heat and drought of Palermo and Naples was relentlessly spreading over the whole of Italy, wafting into the nostrils of every man, woman, and child the absurd, frantic horror of their situation. In Milan and Turin some attempts were made on the part of the workmen to organize strikes (strictly forbidden under fascist rule even in peacetime); the pretext was an increase in wages, but in reality the object was entirely political: "enough of fascism and its war!" And as the country was consciously sinking into disaster, Mussolini and his officials could find nothing better to do than

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change a minister here and there, create new medals and ribbons, accompanied by the grossest of rhetoric, hint at secret weapons, and promise "certain victory." At that time, it was the intense desire of a great part of the population that the Allies should bomb Rome, in spite of His Holiness and the precious monuments, bomb it intensely and repeatedly, and crush some of the bloated, sinister nonsense out of the men who were leading Italy to disaster.

In May, the last Italo-German resistance in Tunis capitulated and the Allies controlled the whole of North Africa. The attack on Italy seemed imminent. On June 24, Mussolini made his famous *bagnasciuga* speech which will probably go down in history as a masterpiece of comic literature. Among the first phrases was this pompous declaration: "Man, as the Greek philosopher Anaxagoras says—excuse my erudition—is the measure of all things." The "excuse my erudition" was quite enough to make him the laughing stock of the whole country. But it wasn't Anaxagoras who said that phrase, but Protagoras, and the thousands in Italy who had studied their humanities promptly informed all those who had not of the blunder. Mussolini went on, after some rhetorical flourishes, to mention the absurd possibility, prospected by some cringing, cowardly spirits, of an Allied landing in Italy. He said that even if this were attempted, the Allied troops would never get further up the shores of Italy than that line where the waves ebb and flow, called by seamen *bagnasciuga* (literally: wet-dry). And here again, he made a blunder because it appears that seamen apply the term *bagnasciuga* not to the shores but to the floating line of ships.

This speech was not published immediately —no doubt in order to correct the blunders in the printed version—and it appeared in the papers in the first days of July. On the tenth, the Allies landed in Sicily—getting beyond the *bagnasciuga* without much difficulty (and if there hadn't been Germans in Sicily they would probably have occupied the whole island overnight). On the seventeenth, Allied planes flew over Rome throwing thousands of copies of Churchill's and Roosevelt's proclamation to the Italian people in which they were invited to get rid of their dictator who had betrayed them into the hands of the faithless Germans, and make peace with the Allies who wished them no ill. (Allied propaganda ever since the beginning of the war had been along this line, corroborated by promises of help, generosity, and esteem towards the people of Italy. And the people of Italy, a very large part, blindly believed what they heard, just as they blindly disbelieved what the fascists and Germans said. And this belief of their's, this childlike trust they put in the promises of those who preach that your word should be as good as your honor, constituted one of the most tragic elements of Italy's situation during that and the following years.)

By Mussolini's order, this proclamation was published in all the Italian papers, rather to the surprise of the people. (It seems he did it principally to spite the Germans.) Two days later, on the nineteenth, while Rome was receiving its first bombing, Mussolini met Hitler at Feltre (near Venice), and everybody knew he was going to implore help from his powerful friend. No communique was published about this meeting, save that the two had "discussed military questions." But a few days later, news seeped out that Hitler had at first refused to send any help, saying that he had no divisions available, then accepted for a small contingent on condition that the troops remain under German command, absolutely distinct from the Italian army and responsible only to German H. Q.—in effect, an occupation corps.

In the days between Feltre and the twenty-fifth of July, there was unrest, expectation, and hope all over the country. Even those most ignorant of politics realized that the situation was impossible and that some issue must be found. In the large cities, there were many people informed about what was really happening, and willing to spread their knowledge, thus creating that characteristic atmosphere of suspense and excitement which precedes some imminent new development.

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Divers

Where the white water-lilies float upon black water
Boys sleek and dripping as the stems of water-lilies
Run and dive shallow from their tipping raft, their aim
Not to touch bottom when their white heels disappear.

But give them a deep pool paved with white sand and pebbles
Or cove of some blue mineral lake and watch them plunge
Straight down until, breathless, until a muskrat head
Bobs up and then a hand clutching the trophy sand.

ROBERT FRANCIS

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JASPER R. LEWIS

Books in brief

The blessings of our democratic way of life, and the ideologies of those who would oppose it, are discussed in *Patterns of Anti-Democratic Thought,* by David Spitz (Macmillan, $4.50). Professor Spitz is a political scientist at Ohio State University, and his message seems to be not to neglect American opponents of our system. To show the strength of these, Spitz first considers the differences between the age-long concepts of democracy and authoritarianism, analyzing the arguments and conclusions of earlier writers. Dividing the anti's between those who consider democracy impossible, and those who find it undesirable, the author enlarges upon the ideas and tenets of each group.

Himself a firm believer in democracy, Spitz discusses different categories of the opposition. There is the principle of the organizational necessity of a ruling class, as offered by James Burnham. There is the Lawrence Dennis school of thought that there must be the ruling class and it must be the elite. The incompetence of democracy and the inabilities of the average man to understand and rule is the theme of Ralph A. Cram. His theories boil down to a condemnation of democracy and support of rule by the superior few; democracy by establishing "level uniformity" has dragged down "culture and civilization with it."

The matter of racical aristocracy is given interesting treatment by a study of Madison Grant's theory of Nordic supremacy, and the superior influence of heredity and environment. Grant's conclusions are kindred to the claims of adherents of recent years of the idea of Teutonic leadership.

A fifth unbeliever in democracy, E. M. Sait, propounds the importance of the biological factor, the superiority of the aristocracy of ability and achievement. Another disciple of a natural aristocracy is George Santayana, with his admiration for "men of merit" and admission of a natural inequality. Finally, there is the authoritarianism of Irving Babbitt, the substitution "of the right man for the doctrine of the rights of man." The wealthy and propertied classes apparently are the chosen group, although character has its opportunity. Basically, this would be the alternative to democracy, although how to identify the "right" man is vague. This is a battle of ideas, less popularly known but more insidious than the soap box. Spitz has some interesting rebuttal to these arguments.

A different way of looking at our present democracy is given in *Our Vanishing Civil Liberties,* by O. John Rogge (Gaer Associates, $3.00). This is the sharp and bitter story of the author's dismissal from his job as Assistant United States Attorney, following his comments on fascism and links between Nazi and American industrial leaders. It is Rogge's explanation also of his views on the House Committee on un-American Activities and its members. Rogge's appeal for wide support in his criticisms of official acts is based on suggestions of star chamber proceedings and gestapo police methods as applied to him.

The record of the hearings from which quotations are taken show both ignorance and stupidity in high places, but there is nothing new in that. Even Congressional browbeating is not uncommon, and in these personal matters Rogge wins the sympathy of the reader. Attacking the great American trusts, however, Rogge can only see the iniquity of high prices, huge profits, and economic domination by the wealthy corpora-

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tions. There is no mention of the labor monopolies held by unions, or the effect of continuous pay increases upon labor's cost. This, combined with hearty approval of Henry Wallace's public statements, detracts from the book, by mixing politics with the question of personal freedom and freedom of speech. There should be more information on affairs in Washington, and a report to the nation that might include light on some shadowy alignments.

BRIEFER COMMENT

BIOGRAPHY

Possibly more interesting than his own novels, *I Wanted to Write,* by Kenneth Roberts (Doubleday, $3.50), is the story of the author's evolution from newspaper reporter to top rank novelist. From his days at Cornell, experiences as a beginner in Boston, and other literary tasks, one thing was evident in Roberts' way of life. Nothing would deflect him from his chosen field; not even $5,000 a year to write Katzenjammer episodes for Hearst's Carvalho 30 years ago! Roberts doesn't tell much of himself except as a writer, but that includes action, humor, and perception and makes delightful reading.

Dry Messiah, by Virginius Dabney (Knopf, $4.00), is the life of the late Bishop James Cannon, Jr. Told with blunt admission of the serious charges made against prohibition's leader, in his own personal life, it is a strong indictment of self-appointed reformers generally, to say nothing of hypocrisy in politics, religious organizations, and reform movements as well.

Gene Fowler catches the blithe spirit of James J. Walker in his biography of *Beau James* (Viking, $4.00). Success story, bright recollections of the better political days of Walker and his cronies, Fowler shows the faster set of New York's yesterday. Walker's domestic troubles are gently handled, with understanding and exoneration. With the figures of Al Smith and other political leaders of the day as characters, it is bound to be an interesting volume.

A portrait of Goethe and his world, offered through selections from his writings, from diaries, and from the records of others, is presented by *Goethe's World,* edited by Berthold Biermann (New Directions, $5.00). Freely illustrated, by text and picture the book conveys an interesting biography of the writer.

New England Son, by Marjorie Wiggin Prescott (Dodd, Mead, $3.50) is the biography of Albert Henry Wiggin, "the man who made the Chase Bank," told by his daughter with understanding and affection. Mrs. Prescott traces the New England ancestry and youth of Wiggin, his start in the banking business, and his progress in New York. The intimate family side and the social and public angles are handled in a cheerful and happy style, with a natural acceptance of the correctness of all of her father's transactions.

D. B. Wyndham Lewis repeats the facts about Madame de Pompadour, Melbourne, Goday, and Potemkin in *Four Favorites* (Longmans, $3.50), giving the story of each with an eye on the method of reaching personal success. With some of the circumstances of the times of each character thrown in for background, it is entertaining reading.

Gump's Treasure Trade, A Story of San Francisco, by Carol Green Wilson (Crowell, $5.00), is really the biography of the Gump family and their house of art. Nearly a hundred years of San Francisco history is behind the treasure storehouse. It is a narrative of a purpose devoted to the merchandising of Oriental and other art, with illustrations in color and many anecdotes of prominent customers.

HISTORY

Fletcher Pratt portrays the careers of American commanders in *Eleven Generals* (Sloane, $5.00), from Nathanael Greene and Anthony Wayne to Summerall and Bradley in our time. With text and maps, Pratt seeks

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to prove that American military contribution to the science of war has been the use of infantry. He outlines some of the generals' strategy in support of his theory.

An analysis of the potentialities of the Soviet-American military situation is contained in *If Russia Strikes—*, by George Fielding Eliot (Bobbs-Merrill, $2.75). Major Eliot gives his reasons for supposing the threat of war is immediate or approaching rapidly, and proceeds to ponder possible shooting war strategy.

The history of the Jews is told anew in *Sacred History,* by H. Daniel-Rops (Longmans, $4.50), translated from the French by K. Madge. It relates the legends and tales of the Old Testament world as understood by historians; there are suppositions and commentary by the author.

Kermit Roosevelt, in *Arabs, Oil and History* (Harper, $3.50), gives his version of affairs in the Middle East, whether religious differences, politics, or native customs. His notes on conditions and trends in Palestine and elsewhere in connection with the rivalry of Russia and the West carry a note of caution, not only for the "seen danger of Russia versus the United States," but for the unseen danger of Orient versus Occident.

GENERAL INTEREST

Some of the old history of unions is repeated in *Left, Right and Center,* by Sidney Lens (Regnery, $4.00), but there is also some frank admission of the evils and high-handedness of union officials. He shows the conflicting forces in American labor, and he is frank about the meaning of political action for labor unions. "Implicit in political action is that those who undertake it must be ready to take over the reins of government itself."

Peace of Soul, by Fulton J. Sheen (Whittlesey House, $3.00), is an orthodox exposition of the Catholic Church's views on such lively topics as psychoanalysis, confession, sex, represssion, and self-expression. Freud and Marx get credit where their conclusions do not conflict with the Chuch.

American Freedom and Catholic Power, by Paul Blanshard (Beacon Press, $3.50), points out the political, economic, and other objectives of the Church as opposed to those of other religious groups. Education, medicine, marriage with its varied aspects, labor are all discussed in an exceptionally frank and critical manner. Blanshard decries the use of the Church's power in opposing those movements and things not in accord with its own teachings. It is a fighting book.

Explanation of the conflict of ideologies between the United States and Soviet Russia is the purpose of the *Philosophy of Peace,* by John Somerville (Gaer, $3.00). Dr. Somerville, in his effort to show that capitalism and communism can live together, disabuses the mind of the notion that Communism is similar to National Socialism or Fascism, and encourages the reader to feel there must be an error in Western opinion. However, the author makes Communism the same as Stalinism. I find no allusion to the viciousness of the regime; perhaps that does not exist either.

Earl Parker Hanson offers more than a description of his explorations in *New Worlds Emerging* (Duell, Sloan & Pearce, $3.50). He relates his views on South America and parts of Latin America, Puerto Rico, Africa, and the Polar region, specially with an eye to possible development for the displaced, the colored races, or the excess population of other areas. Here is a combination of information on little known lands and economic possibilities.

Want some mystery stories direct from headquarters? Try *Scotland Yard,* by Richard Harrison (Ziff-Davis, $2.75), which is the "inside story of London's famous police." Harrison gives the methods, regulations, and tradations of the C. I. D., enlivened by bits of the history of murders, thefts, and other crimes. The story is supported by facts obtained by personal investigation, permitted by the Yard.

Some practical suggestions on the gentle art of being a writer are embodied in *Writers on Writing,* edited by Herschel Brickell (Doubleday, $3.00). Prepared by the staff of the University of New Hampshire Writers' Conference, it includes chapters on writing the novel, the short story, poetry, non-fiction. This is a direct "help" volume, with many ideas that should be useful to budding writers.

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"Highway to the Top of the World," *The Mackenzie,* by Leslie Roberts (Rinehart, $3.50), is the latest in the Rivers of America Series. Its early history of exploration and even the more recent development are examples of pioneering and rough civilization. Roberts emphasizes the importance of the region in this air age, both for military and peaceful purposes.

The Sierra-Nevada Lakes, by George and Bliss Hinkle (Bobbs-Merrill, $4.00), is the romantic history of the lakes of the Northern Sierra and Western Great Basin. One hundred years of discovery and adventuring, a part in the annals of California's gold rush, and the slow settling and development over the years, furnish many pages of interesting anecdote.

The Twelve Seasons, a Perpetual Calendar for the Country, by Joseph Wood Krutch (Sloane, $3.00), is a pleasant "nature" book—from peepers to peepers. The quiet of the Connecticut country, and the trivial but enjoyable doings from month to month, furnish a relaxing bit of reading indifferent to the world, Communism, or labor.

Isaac F. Marcosson tells the story of the American Smelting & Refining Co., and the Guggenheims, in *Metal Magic* (Farrar, Straus, $4.50). Part of American industrial and financial history of the past 70 years, there is much of general interest, both in the story of copper and the men who figured largely in it.

Day by day life among the Eskimos is detailed in *Our Alaskan Winter,* by Constance and Harmon Helmericks (Little, Brown, $3.50). A record of hardships for white people, it is an entertaining acount of the Artic, its people, and its animals.

The Black Hills and their Incredible Characters, a Chronicle and a Guide, by Robert J. Casey (Bobbs-Merrill, $5.00), takes the reader into the South Dakota mountains. Indians, gold, settlers, stagecoach, rustlers, and sheriffs, contribute to make good reading. The Guide is a separate pamphlet in the cover-envelope to be "periodically revised."

A white newspaper reporter, masquerading for a month as a Negro, got himself first-hand impressions of the color line in Georgia. *In the Land of Jim Crow,* by Ray Sprigle (Simon & Schuster, $2.50), is his account of the everday life of the Negro in the South, fenced in by both legal and unlawful prohibitions.

FICTION

The characters in *The Devil's Own Dear Son,* a Comedy of the Fatted Calf, by James Branch Cabell (Farrar, Straus, $2.75), are gifted with the ususal Cabell suave, satirical equipment. This novel of Florida, some bizarre people, and unusual conversations regarding Hell is more in the manner of the Dom Manuel series than Cabell's recent books have been, and so more enjoyable.

Sinclair Lewis' latest novel is *The God-Seeker* (Random House, $3.50), its setting in Minnesota pioneer days of a hundred years back, with a young missionary to the Indians as its central figure. A little of love and a good deal of backwoods conversation makes it a mixture of preaching and description of an era.

The Road Between, by James T. Farrell (Vanguard, $3.50), is a novel of the near-intelligentsia, in the early 1930's in New York. Literary ambition, party line oratory, and some spiced scenes provide a readable if not unusual story.

Ernst Poole's *The Nancy Flyer* (Crowell, $3.00), is the story of the stage coach between New Hampshire and Canada early in the past century, and of its driver and his family. Mostly descriptive of the people, the country, and coaching traditions.

A study in character and the changes wrought in a man by the war makes *Portrait in Two Colours,* by Stuart B. Jackman (Scribner, $2.75) a well-written English picture, dramatic but of the depressing school.

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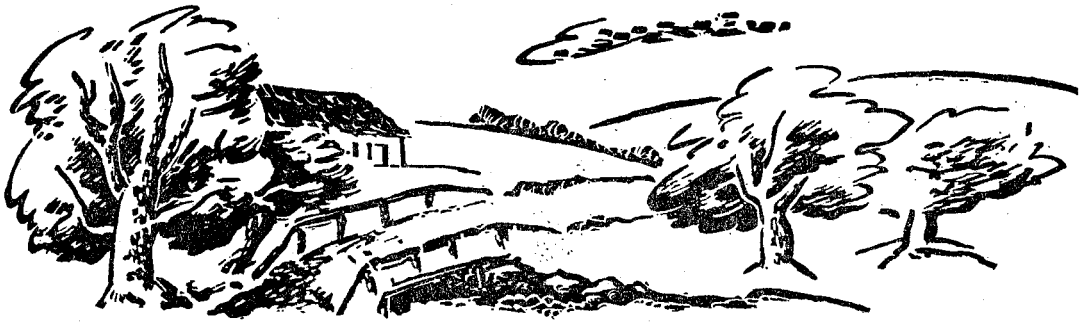

COUNTRY COMMENT

The foreseeable future. That is a phrase I have been coming across recently in newspapers and magazines.

Is the concept a new one? As I remember, I never used to hear of it in my childhood or during my young manhood. In those years it seemed to be assumed either that nobody could foresee the future or that some people could and the rest of us could not. Those that could, or that claimed that they could, were called seers, clairvoyants, crystalgazers, horoscopers, astrologers, fortunetellers, forecasters, foreboders, foreshadowers, augurs, oracles, visionaries, Cassandras, diviners, soothsayers, palmists presagers, prophets, predictors, portenders, or prognosticators. All others lacked the power.

Today the difference appears to be not between those who can foresee the future and those who can't, but between the foreseeable future and the unforeseeable one. The implication is that anyone can foresee what is foreseeable.

How long a period of time does the foreseeable future cover? Is it a variable or a constant? And if a variable, what makes it vary? When a radio commentator says that such and such is not likely to happen within the foreseeable future, does he expect us to know how long a future he has in mind?

If I were cornered, I should say that the foreseeable future varies according to subject. The weather, for instance, cannot really be foreseen much before it takes place, despite all counterclaims of the United States Weather Bureau. The Stock Market can be most clearly foreseen during that brief breathing spell that separates the future from the present. Presidential elections sometimes can be foreseen only after they are over.

Long ago I conceived the idea of starting and sustaining a book of prophecy. Since I am no prophet myself, my prophecies were to be exclusively those of other people. Every prophecy I came across, particularly if it were accompanied by a date for fulfillment, I would enter in my book. Then as the date came due, I would note whether or not the prophecies had been fulfilled. If they had not, I would consider it my duty to spread the news. Psychologists tell us that false prophets flourish because we tend to remember their lucky guesses and to forget the unlucky ones. My book of prophecy would help to correct this situation. As things are, it seems to me that all prophets wield too much power.

An example. An old man living on the outskirts of my town predicts each fall the number of snowstorms the following winter according to some mathematical-mystical formula that he claims originated with the Indians. So far as I know, no one ever bothered to check the truth of his prognostications. Perhaps it makes no difference whether a snowstorm prophet is right or wrong, bona fide or phony. But if people get away with murder in predicting snowstorms, they may get away with murder in predicting wars, explosions, eruptions.

I do not say that there is no such thing as the foreseeable future. I am merely being cautious. I never saw it myself.

ROBERT FRANCIS

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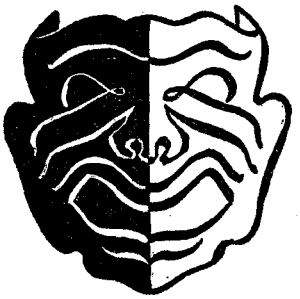
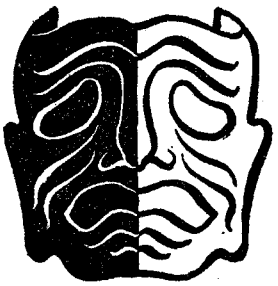


The THEATRE ARTS



by John Gassner

As another season of the professional theatre draws to a close, and it comes to a conclusion just as the twentieth century approaches the half-way mark, *Forum's* readers will perhaps want to give some thought to the question of where the theatre stands at this historic point. My remarks, I must warn them, will be superficial and somewhat schematic. Otherwise I should have to compose a book on the subject, which, as a matter of fact, I expect to do before long with the generous assistance of the John Simon Guggenheim Foundation.

The century is to be credited with achievements of considerable importance. For one thing, it has been one of the longest periods of continuous development in the history of the stage and the drama. The Elizabethan theatre and the great age of Racine and Molière in France did not extend beyond half a century of vitality. Only the classic theatre in Athens lasted several decades longer. And a truly vital theatre in the nineteenth century had only a quarter of a century to its credit. As we make a rapid inventory of the period from 1900 to 1950, we may be rather amazed at all that has transpired.

We have witnessed the extension of the theatre into related media based on the fabulous development of scientific invention. Up to the present century, there existed in the Western world only one dramatic medium, that of the stage for the actor seen in the round on a platform. This was the case even where the actor had no speech, as in pantomime, or when the actor was not alive, as in the case of puppet and marionette theatres. Our half century saw three new media spring up before its eyes—the motion pictures, radio theatre, and television theatre. The first and the third were given over to the two-dimensional performer who operated on our senses from a flat screen rather than a platform, and the living actor who gave his image to the screen was many miles—in the case of film, often several thousand miles—away from the spectator. This, in short, was a theatre radically different from any hitherto known, in the sense that the actor and the audience had no immediate actual relationship. The living performer was a canned image and a voice who did not perform directly to an audience and catch contagion from it. Until the advent of the "talkies," moreover, he was also consistently deprived of the physiological function of speech, with consequences we need not examine here. In radio drama, moreover, he was even deprived of his face and figure and transformed into a voice, while his environment was reduced to a purely auditory dimension.

What the drama lost by these transformations is too obvious to be more than touched upon in this article. Made available to virtually every man, woman, and child, it lost a good deal of its freedom especially the candor that it had enjoyed as a prerogative even under the censorious eyes of the medieval church and the Tudor, Bourbon, and Spanish autocracies. The literary element vanished in the silent motion pictures and underwent marked abbreviation even after actors became talking images. And literature, in general, became debased in all the mass media; its style was vul-

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garized and its content drained of challenging or complex ideas. Nonetheless, the historian who sees things in a large perspective and can, therefore, overlook the many irritations of immediate exposure to "Grade B" pictures, lavish screen musicals, and "soap opera," will note gains as well as losses.

He will observe that the experience of environment was never before so fully realized as on the motion picture screen. The backgrounds that the dramatists had had to describe in words and that his production associates could, as a rule, only suggest within the narrow limits of stage scenery, became a major achievement of the motion picture camera. In short, a new protagonist or antagonist was fully born in the present century —the physical environment. By comparison with the cinema, the social problem theatre of earlier centuries, which attributed so important a function to the factor of society and topography, was in veritable infancy. That frequently the camera was employed only to falsify realities, as in most Hollywood pictures, is merely an example of misuse of a medium that could give such ample visual realization to background as the early Griffiths films, *The Birth of a Nation* and *Intolerance,* the von Stroheim film *Greed,* the better Westerns, *Grapes of Wrath* and *The Southerner,* the war films (*Sahara, Dragon's Teeth*), not to mention *Paisan, Shoe-Shine,* and innumerable documentary pictures.

Nor did the visualization have to be literal, for it soon became evident that photography, with its angle shots and montage, could be as expressive as any poet's language; it could even go to the extremes of expressionist distortion that appeared in *The Cabinet of Dr. Caligari.* Even with respect to literary style, the historian can note some improvement as well as deterioration, since the camera tended to reduce dialogue to essentials and to prune it of persiflage and rhetoric. There was hardly any point in letting a character describe at length what the photographic "shot" conveyed so much more vividly than words, or in allowing an actor to expatiate on his feelings or the state of his soul when a close-up of his face showed in an instant what he would have had to explain at length. In any case, screenplay dialogue, for all its lack of distinction, was vastly more tolerable than the absurdly turgid writing that proliferated in nineteenth century English and American drama until the 1880's.

Radio drama, incidentally, held remarkable possibilities for the poet, and it is not the fault of the medium but of commercialism that these were largely unrealized. When Archibald MacLeish wrote *The Fall of the City* and *Air Raid,* Alfred Kreymborg *The Planets,* and Norman Corwin *On a Note of Triumph,* it became plain that the lowly medium could become an effective instrument for poetry and good rhetoric.

The drama in the twentieth century assumed many masks and, if we grant, as we must, its omnipresence in the mass media, entered every nook and cranny of the Western world. In this sense, far from shrinking, it grew enormously; far from receding from the consciousness of the common man, it assumed a larger hold on him than ever before in the history of the world. It was available in his immediate neighborhood; all he had to do was to round a street corner and there was a neighborhood motion picture house. If he turned a knob on his radio set, he could have audible drama in his living room. With the coming of television, he can now get visual drama, too, just as effortlessly. Playwrights and actors, moreover, found employment for their talents, although this entailed working with new techniques and styles. Nor can it even be said that this involved falling from some high estate, for the average actor or playwright, indentured to cheap entertainment and infantile melodramas throughout the greater part of the history of the stage, has never stood on any particular eminence.

Only the so-called "legitimate stage," the stage trodden by the living actor seen in the round, suffered a diminution, although this was not altogether the case when we consider the enormous subscription audiences of the Weimar Republic's *Volksbühne,* the widespread English repertory system, and the "little theatre" movement in the United States, augmented at different times by the amateur social theatre groups and the Federal Theatre of the 1930's. Nevertheless, there was even some gain in whatever shrinkage did occur.

It has not been sufficiently observed that the mass media based on modern photography and electronics drained off a good deal of the dross

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from the legitimate stage. Since the eighteenth century, the bulk of dramatic output had consisted of sentimental comedy, transparent farce, and "thrillers" of murder and crime detection. When film and radio made this type of drama their own and purveyed it at a fraction of the cost of a theatre ticket, the professional theatre lost most of this trash and was forced to rely on drama of a higher quality. Although it cannot be said that playwrights and producers have been able to deliver material that meets elevated standards with any great frequency, the fact remains that much drama that would have been acceptable in 1850 is no longer acceptable in 1950.

The limitations of the stage in our time are obvious enough. Its doldrums and shortcomings are caused in the West by economic anarchy, high costs, and lack of opportunity for the young dramatist and actor to learn their crafts. Yet it is difficult to escape the conclusion that the stage in the twentieth century became a notable medium for intellectual discussion, psychological analysis, social conflict, and experimentation in theatrical and dramatic art—more so, indeed, than in many periods in which it met with virtually no competition from other forms of dramatic entertainment. Its only major defeat occurred when poetic drama virtually disappeared as a popular form of playwriting. If the drama of the century made less progress than did the modern novel, the reasons lie in the superior adaptability of the novel and the simpler conditions faced by the novelist and his publisher. Joyce could write *Ulysses* and *Finnegan's Wake,* for instance, without considering actors, production possibilities, and the physical theatre, and his publishers could bring out these books without paying theatre rentals, actors, and technicians, and without being obliged to have half a million paying customers within the first fiscal year in order to defray expenses and make a profit.

Even the hastiest of reviews will reveal a degree of vitality and accomplishment for which no apologies are needed, and this much must be conceded in spite of our having failed to uncover another Shakespeare or Sophocles. All of Shaw's major pieces, except *Candida* which had its first production in 1897, fall within the century, as do the plays of Galsworthy, Barrie, Maugham, and many other English writers, whose combined work overshadows anything written for the stage in England from 1616 to 1890. Ireland, which had no drama to speak of before 1902, contributed the masterly folk art of Lady Gregory and John Millington Synge, the poetic plays of Yeats, the fantastic ones of Lord Dunsany, and the social dramas of St. John Ervine, Sean O'Casey, and Paul Vincent Carroll. In America, by a generous stretch of critical standards, we may discover perhaps two or three acceptable plays before 1900 as against the work of O'Neill, Anderson, Howard, Rice, Behrman, Wilder, Green, Hellman, Odets, Williams, and Arthur Miller. All but three or four of the masterpieces of the great Russian drama belong to the century, as do all the important plays of the Spanish theatre (Benavente, Sierra, Lorca) since the seventeenth century, and all of the Italian theatre (Pirandello) since Machiavelli's and Tasso's times. A noteworthy part of the French drama since the age of Molière and Racine comes after 1900 with the work of Rostand (except for *Cyrano de Bergerac,* which came three years earlier), Pagnol, Bourdet, Anouilh, Vildrac, Sartre, and Camus. And if we start our inventory with 1890, it is plain that Central Europe's greatest age of stage drama belongs not to the period of Lessing, Schiller, and Goethe, but to the times of Hauptmann, Wedekind, Sternheim, Schnitzler, Zuckmayer, and Molnar. Only the Scandinavian countries experienced a decline after the achievements of Ibsen and Strindberg during the last three decades of the nineteenth century.

To our century, in addition, belong the achievements of the Abbey Theatre and the Gate Theatre of Dublin, the theatrical experiments of Reinhardt, Jessner, and Piscator in Central Europe and of Copeau, Jouvet, Baty, and others in Paris. The triumphs of the Old Vic and the Vedrenne and Granville-Barker Court Theatre productions, belong to us as do the full flowering of the Moscow Art Theatre and its musical studio, the *avant-garde* activities of the stage directors Vakhtangov, Tairov, and Meyerhold, the work of the Hebrew Habimah Theatre, and many other accomplishments are ours.

Acting and staging became arts requiring thorough preparation and design. A new

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scenic art, rich in theatrical magic and suggestiveness, arose under the inspiration of the Swiss Adolphe Appia and Ellen Terry's son Gordon Craig, and came to fruition in the work of numerous artists like Bakst, Soudeikine, Rabinovich, Joseph Urban, Robert Edmond Jones, Lee Simonson, Norman Bel Geddes, and Jo Mielziner. The miracles of stage lighting multiplied with the advent of the modern electrical switchboard. Choreography, from the achievements of Nijinsky and Diaghilev to those of Tamiris and Agnes de Mille, became a powerful adjunct to the theatre. Musical composition provided new augmentation and expressiveness for the stage in the work of Stravinsky, Prokofiev, Milhaud, Gershwin, Virgil Thompson, Kurt Weill, Paul Bowles, Richard Rodgers, Gian-Carlo Menotti, and many others.

Theatre became more fully aware of style than it had been for centuries. Realism, departing from its late nineteenth century literalness, became selective and expressive. Symbolism achieved a finesse and poetry it had never revealed in earlier epochs. Ventures of variable value and doubtful permanence but of striking originality ensued after 1910 in a variety of styles carrying such lables as expressionism, constructivism, futurism, and *surréalisme,* until it could be said that at no time in its previous history had the stage displayed such boldness of imagination, such resourcefulness, and such plain efficiency. In the light of all these developments in drama and stagecraft, it is difficult, indeed, to explain the perennial lamentations that have been bestowed upon the theatre on any other basis than that more has been expected of the theatre than in any other period since the Renaissance. One reason for this is that it took the middle-classes a long time to overcome their suspicion of the stage.

Perhaps, however, the most remarkable event in the theatre is that it shifted its center after 1925 from the old world to the new, that its capital became at last New York City. War and economic dislocation hastened the process, but it was an inevitable development from the moment that the American stage, which had been marked by considerable backwardness even as late as 1916, began to accelerate its modernization. What America has been able to make of its new responsibility and what possibilities remain for the growth of the Western theatre as a whole—these are probably the two most important questions that face the historian. I shall try to touch upon them in the next two issues of the *Forum,* concluding the present survey of contemporary drama only with the statement that there are no signs either here or abroad that the advance noted during the first half of our century will continue unabated in the second half. The climate of ideas and the trends of our social and political life are more conducive to stalemate or entropy than to progress and invigoration. Valuable plays and productions may continue to appear in both hemispheres but the impetus for growth and discovery on any large scale seems to have run out, even as it diminished after the first decade of the seventeenth century in England and after the last decade of the same century in France. We shall, no doubt, continue to enjoy triumphs in the theatre by accident, by grace of genius, and by inheritance from earlier decades of intellectual and artistic fermentation. More than that cannot be foreseen. We must not overlook the facts that the great progress of the theatre of the past 50 years was floated on successive and commingled tides. We need only list them haphazardly to indicate their enzymic action, which if it has not quite abated has already lost its freshness. I refer to such developments as the democratic and Marxist *élans* that inspired hope and suggested new ways of revealing man and his society—that infiltrated the plays of Shaw, O'Casey, and Gorky. The psychoanalytic discoveries of Freud and his disciples were assimilated into the tissue of O'Neill and others, and justified the form and style of expressionist and surrealist plays and productions. The optimistic or humanizing liberalism that pervaded the work of Galsworthy and of writers less distinguished; the faith in science, the emancipation of women, and the general sway of a questing and critical spirit have all left their marks.

(TO BE CONTINUED)

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Is The Crime Rate Increasing?

What is crime?
What are the causes?
Who are the criminals?

By CAROL L. THOMPSON

The problem: A serious crime occurs somewhere in the United States every 18 seconds. The crime rate for recent years seems to be up over the pre-war rate. Movies, broken homes, the increased urbanization of our civilization, the war, slums have all been blamed. What, if anything, can be done?

THE average American adult is in all probability a "criminal" in the legal sense of the word; most of us have probably at some time or other committed the "typical" American crime.

Few of us, however, are aware of this. To most Americans, crime, as Thorsten Sellin has pointed out, is "a conglomeration of sensational murders, income tax trials of people in high or low circles, sordid sex offenses, prison breaks, and bank or stock swindles."

Crime, however, has a simpler and more inclusive definition; it is conduct contrary to the laws of the government under which the individual lives. Legally, it injures the state rather than other individuals and is punishable by the agents of the state. Moral transgressions, "sins," or anti-social behavior patterns are not necessary crimes in a legal sense at all.

Naturally, crime has increased in modern society as civilization's complexities have led to more and more state regulations; except for offenses of violence, primitive society had little crime as we know it today.

In the course of a year, according to the Federal Bureau of Investigation's *Uniform Crime Reports,* 73 per cent of the people charged with offenses in 1,212 cities (containing more than 41,000,000 people) were charged with traffic and motor-vehicle violations. The traffic violation is, in other words, the typical American crime. When we consider the enormous number of traffic violations undetected or "fixed" without formal arrest, we become even more conscious of the widespread character of this type of "crime."

But perhaps the reader is not impressed with the crime of traffic violation; perhaps he refuses to consider this as "crime" in any important sense. According to the *Uniform Crime Reports* for a single year, another 15 per cent of the criminal charges in the United States were brought for drunken and disorderly conduct. Only 10 per cent of all violations, in other words, can be considered "serious crimes" against persons or property. Nonetheless, it is felt by many criminologists that there is a relationship between flagrant minor violations and the current increase of major crimes in the United States.

The subject of crime is a complex but vital study for all the nations of the world. On the initiative of Professor V. V. Pella, President of the International Association of Penal Law, a meeting of international penal bodies was called in 1932 under the auspices of the League of Nations. At his suggestion, a similar group met in Paris in October, 1949, under the aegis of the United Nations. At this meeting, Professor Pella called attention to the significance of criminology:

> We must not forget that crime is a social scourge. It manifests itself in various regions of the world with great intensity. Its renewed outbreak is due largely to the moral destruction caused by the war, a destruction as great as the physical ....

It has been said with some justice that crime is inevitable in any society. This state-

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ment holds also for sickness and, probably, for poverty. Nonetheless, it is important that we try constantly to reduce the number of violent or serious crimes and to prevent the rising rate of minor crimes.

Unfortunately, it is only in recent years that accurate or comprehensive statistics on crime have been gathered in the United States. National statistics have been gathered only since 1929, and accurate figures for our larger cities have been available only for about seventeen years. Perhaps the best single source of information is the *Uniform Crime Reports,* the publication of the Federal Bureau of Investigation. These quarterly documents include data on (1) offenses known to the police; (2) offenses cleared by the police; (3) persons released without being charged; and (4) persons formally charged.

The records, however, are known to be incomplete, and their accuracy is not guaranteed by the F.B.I. They are compilations of figures *voluntarily* offered by the several states. Most of the personal information they yield about the prisoners, such as age and education, is accepted from the prisoners at face value. Moreover, these figures at best inform us only of *detected* and *charged* crime.

Other information about crime and criminal habits in the United States has been secured by private and necessarily limited research with sample and control groups.

Estimates vary considerably as to the amount and kinds of undetected or unrecorded crime in this country. First of all, crimes may be familiar to the police but unrecorded because of graft or other political protection. It has been reported by thieves that "fixing" is almost always possible provided sufficient bribes are offered. In a recent *Saturday Evening Post* series, a reporter revealed the widespread dishonesty among policemen in our larger cities. The "percentage copper" is evidently a familiar phenomenon.

Secondly:

> Where the moving party is the injured person or prosecuting witness, the case is not a major felony, and there are no reasons pressing for the immediate arrest of the accused, the prosecutor follows the practice of issuing a summons calling upon the defendant to appear at his office at a designated time. This summons has no standing in law . . . .
>
> The prosecutor, by this practice, holds a sort of informal court of conciliation . . . . Thus a certain 'sifting out' of charges takes place before they become cases. (*Cleveland Crime Survey*).

Another group of cases are never detected by the police. Swindlers are often unreported because their victims hesitate to advertise their gullibility. Abortions frequently go undetected. Embezzlers may never be caught. Police third degree methods are not made public. Some authorities believe that as much as 80 per cent of our murderers are never even suspected.

National figures reported by *Uniform Crime Statistics,* therefore, are at best intelligent guesses. In 1940, "responsible public officials" were quoted as saying that the United States had had about 12,000 murders annually. Professor Thorsten Sellin believes that this is a "gross misrepresentation." He writes that:

> There were probably not over 8,200 murders *and voluntary manslaughters* reported to the public authorities in 1940 and of these probably not more than half were murders in the legal sense, i.e., premeditated killings or homicides committed in the course of carrying out certain felonies, such as robberies, burglaries, or kidnappings.

Sociologists and criminologists, as well as the F.B.I., try to estimate the annual volume of "criminality" in the United States, but all such estimates must be frankly labelled speculative.

Statistics, in other words, are one of the factual bases of criminology but must be utilized with great caution.

Psychiatrists, sociologists, anthropologists, and economists all make valuable contributions to the study of crime. The recognition of the "criminal type" and the criminally insane has occupied psychiatrists for many years, yet progress is slow. Cesare Lombroso's theory of the *delinquente nato* (born delinquent) has little enthusiastic support at the moment. Lombroso, a professor of psychiatry, studied his cases in an asylum for the criminal insane, and contended that all real criminals show a group of somatic and psychic symptoms making them a distinctive group.

Another factor now included in crime study is geography; today we have evidence that

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there is a significant "geography of crime." Taking the 1940 F.B.I. reports in conjunction with the 1940 census figures, we find that the rate for murder and voluntary manslaughter was 21.2 per 100,000 inhabitants in the East South Central states (Alabama, Kentucky, Mississippi, Tennessee); 15.1 per 100,000 in the South Atlantic states (Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, and West Virginia); 8.7 per 100,000 in the West South Central states (Arkansas, Louisiana, Oklahoma, Texas); and only 0.8 per 100,000 in New England. In the rest of the country, the rate varied between 2.4 and 3.8. The South Atlantic states had the highest robbery rate, 38.5 per 100,000, and the South Atlantic and East South Central states had the highest rates for aggravated assault (190.0 and 107.1 respectively). Here, again, New England was at the bottom of the list with a rate of 9.4

In only one offense group did the New England states lead—sex offenses *excluding* rape and prostitution. This might indicate more rigid sex standards in this region or better law enforcement. The Pacific states had the lowest rate for receiving stolen goods.

These figures, again, must be used with discretion. In some cases they indicate more rigid legal restrictions; in others, better law enforcement. There is little doubt, however, that some regions of the United States have more criminality than others. The crime rate in New England, for example, compares very favorably with that of many North European nations. And the prosecution rates for some offenses in the 1,212 cities covered by statistics are not higher than many European countries (murder and voluntary manslaughter, for example).

Figures dealing with comparative crime rates in urban and rural regions are even more difficult to analyze. Many, if not most, laymen believe that crime is the product of city civilization. This is only partially true.

Dr. Austin L. Porterfield, of Texas Christian University, recently completed a ten-year survey of crime in the United States. According to his figures, the states with the most city dwellers have the lowest crime records. His explanation is that the inhabitants of the predominantly urban states are better off, socially and financially, than those in predominantly rural states. This presupposes an economic explanation of crime, which we shall discuss below.

Other studies disprove Professor Porterfield's thesis. Computing average rates per 100,000 in Minnesota, that state's Bureau of Criminal Apprehension offers figures for the years 1936-1938:

	Rural	Urban
Murder and voluntary manslaughter	1.3	1.3
Negligent manslaughter	1.1	0.0
Rape, inc. carnal know.	3.6	3.7
Robbery	9.5	42.1
Aggrav. assault	5.2	10.2
Burglary	61.6	257.8
Larceny	97.6	567.9
Auto theft	25.2	220.9

If Minnesota may be considered typical, we may conclude that crimes against the person show little variation between city and country, whereas crimes against property are far more typical of city life.

Yet it does not seem to be true that the bigger the city the bigger its crime rate. According to *Uniform Crime Reports*, metropolitan cities have lower crime rates than cities of from 50,000 to 100,000 population. Bear in mind that theft and burglary make up 90 per cent of our serious crimes, and that any variations in crime rates are actually variations in theft and burglary rates. Cities from 50,000 to 100,000 population show the highest rate of crimes against the person, where aggravated assault cases determine the trend. Oddly enough, in the Pacific area, the highest rates for larceny and burglary seem to be in the smallest cities.

These figures serve to show that generalizations about the effect of city living on crime must be carefully qualified. As yet, geographic variations remain unexplained.

No official statistics can be significant without an understanding of the terms used by criminologists. The *Uniform Crime Reports* of the F.B.I. carry "Offense Classifications" in each issue. In F.B.I. terminology:

> (1) Criminal homicide—(a) Murder and nonnegligent manslaughter includes all willful felonious homicides as distinguished from deaths caused by negligence. Does not include attempts to kill, assaults to kill, suicides, accidental deaths,

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or justifiable homicides . . . . (b) Manslaughter by negligence includes any death which the police investigation establishes was primarily attributable to gross negligence on the part of some individual other than the victim.

(2) Rape—Includes forcible rape, statutory rape (no force used—victim under age of consent), assault to rape, and attempted rape.

(3) Robbery—Includes stealing or taking anything of value from the person by force or violence or by putting in fear, such as strong-arm robbery, stick-ups, robbery armed. Includes assault to rob and attempt to rob.

(4) Aggravated assault — Includes assault with intent to kill; assault by shooting, cutting, stabbing, maiming, poisoning, scalding, or by the use of acids. Does not include simple assault, assault and battery, fighting.

(5) Burglary — breaking or entering — Includes burglary, housebreaking, safecracking, or any unlawful entry to commit a felony or a theft, even though no force was used to gain entrance. Includes attempts. Burglary followed by larceny is included in this classification and not counted again as larceny.

(6) Larceny—theft (except auto theft)—(a) Fifty dollars and over in value; (b) under $50 in value—includes in one of the above subclassifications . . . . any stealing of property or article of value which is not taken by force and violence or by fraud. . . .

(7) Auto theft—Includes all cases where a motor vehicle is stolen or driven away and abandoned. . . . . Does not include taking for temporary use when actually returned by the taker, or unauthorized use by those having lawful access to the vehicle.

The statistics and definitions cited above give us some factual basis for our inquiry. Before searching for the causes of the growing crime rate, we must ask ourselves whether crime is really increasing in the United States. Figures compiled by the F.B.I. indicate a positive answer. F.B.I. statistics show a general increase in the national crime rate in the post-war era over the pre-war figures. Figures for 1945 showed a general 12.4 per cent increase over 1944, according to reports of nearly 2,000 cities representing an urban population of more than 65,000,000. In the words of *Uniform Crime Reports*:

> The increases were more pronounced and widespread throughout the Nation than have been recorded in many years. A substantial upswing in crime was registered for cities of all sizes and in each of the nine geographic divisions of the country.

Major and minor crimes both were reported increasing. In 1946, the urban crime rate increased 7.4 per cent over 1945 and the rural rate increased 14.1 per cent. Rates in 1947 were considerably higher than pre-war percentages.

The total crime rate in 1948 was reported up 1.3 per cent over 1947, with the urban rate up 0.3 per cent and the rural 4.3 per cent. Only negligent manslaughter and auto theft had declined to lower than pre-war averages. Aggravated assault and rape reached peaks in 1948, in the larger communities, climbing 68.7 per cent and 49.9 per cent respectively over pre-war figures. On the basis of pre-war figures, larceny was up 4.6 per cent, burglary, 16.7 per cent, murder, 14.1 per cent, robbery 8.9 per cent. The grand total on serious crimes for the year was an estimated 1,686,670 offenses. In the vivid words of the F.B.I.:

> With the passing of each day on the average 36 persons were feloniously slain, 255 were victims of aggravated assault or rape and 150 burglaries were committed. During an average 24-hour period, 1,032 places were burglarized, 463 automobiles were stolen, in addition to 2,672 miscellaneous larcenies.

Actually, slight but noticeable decreases from 1947 averages were evident in 1948.

INCREASE

Is crime increasing? Comparing 1948 figures with pre-war figures, the answer is obviously "yes." Comparing 1948 with 1947 figures, the answer is, "not noticeably." When we compare pre-war figures with the war years, the results are again different. During the war there was a noticeable decline in crime in most states of the Union. Some authorities give the war-boom as the moving factor in this decline; others, like Professor Porterfield, emphasize the fact that most men of crime-committing age were in uniform. According to his theory, their post-war return caused the current rise in crime rates.

Prior to 1942, the picture for law and order was brighter. In his study of *Crime,* (1942) Professor Sellin noted that:

> In our larger cities, during the last ten years . . . . statistics indicate that most serious offenses have been showing a downward trend, except for larceny which has been rising and aggravated assault which appears to have undergone little change, except for the annual fluctuations that characterize all crimes.

The historian might offer still another answer to the question: is crime increasing.

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Crimes of violence seem to have declined, generally speaking, in the course of centuries, while crimes against property have increased. The enormous increase in "regulatory" laws has occasioned a terrific increase in the number and rate of minor crimes; our pre-occupation with automobile violations is proof of this.

At any rate, crime in the United States today seems to have increased over pre-war levels. As J. Edgar Hoover points out, in this country a serious crime occurs every 18 seconds, day and night, 365 days of the year. With due allowance for statistical error and for historic perspective, there is obviously a serious crime problem in the United States today.

Unlike diptheria or malaria, unfortunately, there is no single causative agent behind crime. This far the experts agree. But further inquiry into the "causes" of crime brings many variant answers.

Different types of criminal activity have different basic factors. Crimes against our complex "regulations", i. e. minor crimes, crimes against property, crimes against persons, and juvenile delinquency all require separate study. Analyses of juvenile crime are important because this age group has gained increasing prominence in the field of crime. The causes of juvenile delinquency may also be the basic causes of mature crime.

JUVENILE DELINQUENCY

Statistics on juvenile delinquency vary somewhat from the figures on general criminality. In 1943, the second full year of our participation in the war, juvenile arrests and court cases increased spectacularly, and sharp peaks were apparent in 1945. Both in 1946 and in 1947, however, real decreases were noticeable. Cases concerning both boys and girls increased slowly during the pre-war period, then showed a rapid rise, and dropped in the two years after the war.

Of the court cases recorded, the majority of boys were charged with stealing and with acts of carelessness and mischief; the majority of girls with sex delinquencies, including truancy, running away, and ungovernable behavior. In 1938, these offenses accounted for 74 per cent of the girls in juvenile courts, and there has been no noticeable change since. The percentage of boys charged with stealing (71 per cent in 1938), however, has dropped slowly but steadily, and in 1945 only 61 per cent of boys' cases were for stealing. There has been some increase in boys' offenses in other directions.

There are several simple explanations for the war-time rise in juvenile delinquency. War-time family dislocations were undoubtedly unsettling to family discipline. Many women entered war industry and left their children to take care of themselves. There was a rapid increase in income for the teen-age group. The increased mobility of families and young people, particularly from rural to urban areas, created a host of new problems for adolescents. Professor Porterfield has pointed out that crime increases during the war in war-crowded cities, and particularly, he believes, among "migrant" families.

When we actually try to pin down some of the factors causing delinquency among American youth, we run into more difficulty. A sampling made by Maud A. Merrill (*Problems of Child Delinquency*, Boston, 1947), seems to verify the conclusion that there is a disproportionate number of delinquents from large families.

This, of course, may have little to do with the *size* of the family, but with socio-economic conditions in many larger families. Because a large family costs more to maintain, many large families are forced into poor neighborhoods, with unsatisfactory housing, and considerable crowding.

There is evidence (again, on the basis of "sampling") that a disproportionate number of young delinquents come from low socio-economic family groups, with fathers either unskilled or semiskilled, and with a consequent lower social status and less security.

Among the delinquents, there is a greater extent of total unemployment at home, or of mothers (and not fathers) working, or of both parents at work.

It is evident to criminologists that areas of high delinquency rates are also areas of high mortality, infant mortality, morbidity, dependency, and physiscal deterioration. The slums of our cities unquestionably breed delinquents.

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We must not forget, however, that there is a very definite pattern of crime among the so-called "middle classes." The typical middle class crime is fraud or embezzlement, however, and this rarely shows up during adolescence.

The noticeable lack of teen-age crime among middle class groups throws light on one theory of crime—that it is an outgrowth of frustration. Without doubt, middle class children are disciplined earlier, are more protected, more controlled, and thus more *frustrated* than are the children of the so-called "lower classes." Nonetheless, middle class children are said to accept frustrations more docilely, seeing as their goal the inheritance of a satisfactory middle class position in society. Typical crimes among these children are malicious mischief and sex offenses, not stealing. Some allowance must be made for the fact that delinquency in this group is frequently settled out of court, and "kept quiet."

Children of poorer families are much less restricted in their pleasures or companions. They have hetero-sexual experiences earlier and more freely, are disciplined less, and often become young wage earners. Their typical offenses are stealing (in boys) and wayward-ness (in girls).

All our evidence points to the fact that poverty is a prime cause of juvenile crime.

Moralists of many faiths today have placed the crime problem squarely on the doorstep of deteriorating family life. The "broken family" is often cited as *the cause* of our rising crime rate. Statistical evidence to prove this theory is lacking. First of all, there is no real data on the percentage of broken homes in the United States. The number of children whose parents are separated is unknown, and no record is made of children with only one living parent. A broken home is defined as one where parents are divorced, or separated or where one parent has died (whether or not a step-parent follows).

In the *Journal of Criminal Law and Criminology,* E. H. Shideler has estimated that 25 per cent of all American children come from broken homes. Of 13,000 cases of juvenile delinquency studied between 1899 and 1909, 43 per cent came from broken homes. Today, it is estimated that from 40 to 70 per cent of all delinquent children come from such a background. In 1939, the United States Children's Bureau revealed that 36 per cent of boys' cases and 50 per cent of girls' cases arose in broken home environments. Private research seems to confirm the fact that there is a higher percentage of broken home background among delinquents than among the population as a whole. Our figures, however, are not conclusive, and controlled studies differ widely in their findings.

Disrupted family life is undoubtedly one factor in crime, but its relation to delinquency is by no means as clear or as positive as is poverty.

A favorite hypothesis among sociologists is that "delinquency is a learned experience . . . . and requires direct contact with other delinquents for the acquisition of delinquent attitudes and skills."

Delinquent homes and broken homes overlap, but studies reveal clearly that most families with delinquent children also have non-delinquent children, although their home environment is very similar. There seems to be a greater frequency of association of defective discipline and vicious example with delinquency than of poverty and defective family relationships with juvenile crime. Here both the economic explanation and the "broken family" theory seem somewhat out of line.

It is generally believed that a broken home is more desirable than an unpleasant home environment. Figures on the latter condition are, of course, impossible to compile, and broken homes *plus* tense, unpleasant homes account for more crime than the figures can indicate.

Juvenile crime, then, may have its roots in economic conditions, crowded family life, broken homes, association with other delinquents or adult criminals. Although there is evidence that delinquents see more movies than the average American youth, movies at worst can be said to aggravate delinquency, not to cause it. It is probable that the same factors which drive the child to seek escape on the screen drive him to delinquency. "Agencies of moral risk," such as taverns, road houses, drive-in tourist camps of doubtful reputation,

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have a more noticeable effect on adolescent crime and may be labelled "dangerous." The use of alchohol also tends to increase the juvenile crime rate.

There is no evidence that juvenile delinquency is more common among certain national or racial groups than others, provided the socio-economic factors are constant. An interesting study was made in 1918 of crime among those of Polish nationality. It was found that juvenile delinquency, for example, is rare in peasant villages, moderate in Polish cities, and common among Polish adolescents in Chicago. Environment would seem to be a determining factor.

MINOR CRIMES

The causes of crime among the adult population are just as difficult to determine as the factors behind juvenile delinquency. Minor crimes undoubtedly increase in proportion to the increase in the number of government regulations which bound our freedom. Innumerable taxes create opportunities for tax evasion; intricate traffic regulations *ipso facto* call forth knowing and unknowing violators. The hypothesis that our disregard for the law in countless small matters carries with it a tendency toward general lawlessness cannot be proved, but it should not be forgotten. Remember that juvenile delinquency is thought to be partly a product of association, and that adolescents cannot distinguish (nor can many adults) between minor law violations that "don't matter" and major violations.

Crimes against property are at least partially due to poverty. According to Professor Hans von Hentig of the University of Kansas City: "In the majority of crimes we meet the attempt to procure the necessities of life by unlawful means." Unemployment is at least conducive to crime. But prosperity maybe harmful also. In 1867, a young Bavarian statistician Georg von Mayr announced that:

> Each nickel by which grain rose in price during the period 1833-1861 . . . . produced one more theft per 100,000 inhabitants in Bavaria . . . . whilst the same decrease by one nickel prevented one case of larceny in the same rate.

Subsequent surveys supported this thesis. But around 1880 in France, 1885 in England, and 1890 in Germany, the picture changed. When industrial indexes were used, it became evident that "property crime is often the solution of an oppressive economic difficulty." (von Hentig). Today, there seems to be a definite correlation between property crime and business indexes.

Crimes of violence and sex crimes follow a different pattern. Some evidence is offered that a low business index can be correlated with a low murder rate; (and American business conditions are followed with a certain delay by suicide statistics). Aggravated assault figures seem to be high when burglary figures are low, and *vice versa.*

In the boom year, 1899, there seems to have been a lower crime rate than any previous year of which a complete record had been kept. Sex crimes rise as wages rise.

It is almost impossible to generalize from the bits of information cited above. Today, rising crime rates in the United States may be due partly to our increasing latitude in minor violations and a consequent "weakening of the moral fibre," to the growing number of broken homes, to poverty (accentuated by inflation and evident prosperity in certain circles) to prosperity, to poor penal methods, and poorer parole practices (not discussed here). Indeed, it is even difficult to generalize on the subject of whether crime *is* increasing in the United States from a long-term point of view. On one point, however, we can agree: our crime rate can and should be reduced. All the major factors, or almost all, are alterable, and the effort of the forward-looking criminologist is bent to eliminate all the major, basic causes of lawless behavior.

Local authorities in Fife, Scotland, are doing their utmost to discourage weekend funerals because of the extra cost involved by payment of overtime rates to gravediggers. During a discussion on the subject one Councillor pointed out: "Folk canna be expected to arrange to dee before Thursday or Friday."

Sandy Todd, *Weekly Scotsman*

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More Than

FIFTY YEARS OF FORUM

In January, 1933, Lawrence Sullivan tells us the sad story of the admiral who fell afoul of "The Dead Hand of Bureaucracy." In 1930, Admiral Hilary P. Jones, who was attending a naval conference in London, fell ill. Wishing to get home as soon as possible, he sailed on the first ship available. Later he presented his expense account for the trip to the State Department. He was informed that he would have to pay for it himself—he had traveled on a British ship. A law passed in 1928 stated that all agents of the government crossing the ocean on official business must travel only on American vessels. The admiral tried for the next eighteen months to get his money. Finally:

"Beaten down at length by the sheer monotony of the exchanges, Secretary Stimson tried another tack. Early in January of 1932 he directed his legislative drafting officer to present a special bill in the Appropriations Committee of the House of Representatives authorizing payment of $258 to Admiral Jones for his passage home. Within ten days this bill had been approved by the committee, passed by the House, reported favorably by the Senate's Committee on Appropriations, passed by the Senate, enrolled in both Houses, signed by the Speaker and the Vice-president, carried to the White House for the signature of President Hoover, and transmitted at last to the State Department, the repository for all the laws of Congress. It then required but one more letter to the General Accounting Office to obtain a check for Admiral Jones. Under the authority of Secretary Stimson's special law the voucher was 'approved for Treasury expenditure,' and the admiral, being yet alive, was duly reimbursed."

As an illustration of the more amusing results of the unprecendented expansion of our government, Mr. Sullivan informs us that we can obtain the following pamphlets, all free and written by members of the government:

How to Dress for a Sun Bath
Where Sheets Wear Out
Principles of Window Curtaining
Reindeer Recipes
Rice Polishings as a Source of Vitamin B
Bringing Up Bobby
Children's Rompers
The Use of the Metric System in Nutrition
The Self-Help Bib
Washing Clothes: A Problem in Temperatures
A Study of the Time Spent in the Care of Babies

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CONGRESS DEBATES: Labor Bills

THE Republican-controlled Eightieth Congress passed the Taft-Hartley Act in 1947 over President Truman's veto and the loud protest of labor. Labor declared that the law was discriminatory and robbed them of the rights they had won in the Norris-LaGuardia Act and the Wagner Labor Relations Act of 1935. The Republicans vehemently declared that the Taft-Hartley Act was a sensible solution to the problem of labor-management relations. They felt that, in the years following the war, labor had seized an undue amount of power and was irresponsibly stirring up disputes that were retarding production.

Both parties incorporated their views in their platforms during the 1948 Presidential election. The Republicans stood by the law, while the Democrats called for its repeal and a return to the Wagner Act with a few modifications.

With the Democratic victory, repeal seemed assured. The administration introduced in the House the Thomas-Lesinski bill, which would repeal the Taft-Hartley Law and substitute a modified Wagner Act. The Republican-Dixiecrat coalition countered with the Wood Amendment to the Lesinski Bill which was immediately branded by the Democrats as worse than the Taft-Hartley Act.

On May 3, the House, meeting in a Committee of the Whole, passed the Wood Amendment by a vote of 217 to 203. Representative Marcantonio, of the American Labor Party, rose and demanded that the bill be engrossed and read a third time. On May 4, the reading was dispensed with and Representative Welch, of California, moved that the bill H. R. 2032 (the Lesinski Bill) be recommitted. This motion was passed by a vote of 212 to 209.

FORUM presents below excerpts from the first day's debate on the Lesinski Bill.[1] These excerpts show the Republicans vigorously calling for the retention of the "law and order" provided by the Taft-Hartley Law and the Democratic representatives of laboring groups arguing for the complete return of their rights.

* * * * * * * *

Mr. McCONNELL, Republican, Pennsylvania. Mr. Chairman, as I stated earlier, it is our intention to present various parts of this labor-management problem. I intended to present here today as the lead-off speaker on the Republican side the general background which preceded the labor-management laws as we are now considering them.

Mr. Chairman, we are confronted today with one of the most critical issues with which this Congress will deal. That issue is whether we shall blindly discard in toto every last provision of an act that passed this body less than two years ago, with a majority of the members of both parties voting in favor of it. That is what the majority of the Democratic members who reported the bill now before us recommend that we do, for that bill would scrap every single provision of the Labor-Management Relations Act, 1947.

When the act was passed, no one considered it to be perfect, and no one considered that defects would not develop from experience under it. The Republican minority concedes that defects have developed and that such defects should be corrected. Others will doubtless develop in the future, for the Labor-Management Relations Act is no different from other legislation in this regard.

But the existence of some defects in the present law is in our opinion no justification whatever for discarding all of its provisions—

[1] *The Congressional Record, House,* Vol. 95, No. 72, pp. 5157-5177.

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regardless of their merit. It has been the traditional practice of Congress, and of all other legislative bodies, when defects in existing legislation are shown, to formulate specific amendments to correct them. Scarcely a year goes by but what the need of changes in some of the provisions in our revenue laws is not pressed convincingly on Congress. Yet it has never been proposed that because certain tax provisions can be shown to be inequitable or defective we should repeal all of our tax laws. Yet this is the underlying premise of the bill now before us.

In 1947 when the unprecedented industrial chaos of a year and a half which had resulted from the partisan and onesided administration of the Wagner Act and extreme judicial interpretation of the Norris-LaGuardia Act clamored for the attention of the Eightieth Congress, those of us who served in that body did not begin our task by repealing those statutes. Instead we invited representatives of industry, labor, and the public to appear before our standing committees and give us their views as to what should be done to remedy the situation. The legislation we ultimately passed—the Labor-Management Relations Act—was carefully drawn so as to save all the sound features of the Wagner Act and the Norris-LaGuardia Act, and so as to supplement those provisions with provisions giving recognition to the fact that management, the public, and the individual worker also have a stake in any sound federal industrial relations policy. In enacting that legislation we were careful to preserve the very language of the earlier enactments upon which the protection of the right to organize, to bargain collectively, and to engage in concerted activities were embodied.

The Labor-Management Relations Act was not the sole and exclusive invention of the Eightieth Congress. Virtually all of its major provisions had a previous legislative history. Such fundamental reforms in National Labor Relations Board jurisdiction and procedure as the establishment of unfair labor practices for unions as well as management, the right of free speech, the separation of prosecuting and judicial functions, and the application of the rules of evidence and judicial review to Labor Board findings, were embodied in a bill which passed the House overwhelmingly in the heavily Democratic Seventy-sixth Congress. That bill was the result of the only exhaustive investigation a committee of this Congress has ever made of the actual administration of the Wagner Act.

In the ensuing Seventy-seventh Congress, also heavily Democratic, the House by a big majority passed another bill which also contained a number of provisions which the Taft-Hartley Act ultimately enacted into law, including provisions enabling the government to obtain temporary injunctions in strikes endangering the national safety. In the rapid developments of the war which followed, this measure, a forerunner in many respects of the Labor-Management Relations Act of 1947, was not acted upon by the other body.

The Seventy-eighth Congress—also Democratic—dealt with labor problems by enacting the Wage Stabilization Act and the Smith-Connally Act. Such measures, of course, with wage fixing and plant seizures, were justified only against the background of war-time conditions.

The expiration of these war-time measures brought forcibly home the grievous results to the public of the longstanding failure of Congress to remedy the inadequacies of the Norris-LaGuardia and Wagner Acts. Large and powerful international unions speaking for and controlling all of the workers throughout entire industries were able to paralyze our economy. In the five-month period which followed the end of the war, reconversion was set back by the loss of approximately 38,000,000 man-days of labor through strikes. This total was tripled in 1946 when 116,000,000 man-days were lost and the number of strikes reached the unprecedented figure of 4,985.

In an attempt to cope with these problems the Seventy-ninth Congress, also strongly Democratic, attempted to curb some of the more flagrant labor abuses by enacting the Case bill.

This measure contained provisions dealing with the compulsory organization of supervisory personnel, contained effective curbs against jurisdictional strikes and secondary boycotts, conferred jurisdiction upon the federal district courts in suits for breach of collective-bargaining agreements, established an

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independent mediation service, treated certain unjustifiable union practices of a monopoly character as violations of the antitrust laws, and placed restrictions on the unregulated control and expenditure by unions of welfare funds exacted from employers.

As a result of the veto of this bill by the President, the Eightieth Congress was forced to consider anew the problem of dealing with all these abuses as well as with the defects in Labor Board procedure and practice which would have been remedied years before had the other body concurred with the action of the House in the Seventy-sixth and Seventy-seventh Congresses.

So the Labor-Management Relations Act was truly the culmination of an evolutionary process. I have listened to and read all sorts of arguments against it. Very few of those arguments are directed at specific provisions. They are rather arguments which might have been made with respect to the industrial-relations picture a generation or so ago. When we hear such phrases as "union busting," "government by injunctions," "slave labor," "sweatshops," and "yellow-dog contracts," a person unfamiliar with our present laws would think that we are legislating today against the background of the early 1920's. A person unfamiliar with our present laws would infer that statutes for the protection of the workingman that have been enacted during the last 20 years—such as the Norris-LaGuardia Act, the National Labor Relations Act, the Fair Labor Standards Act, the Walsh-Healey Act, and the Antistrikebreaker Act—had never been written—or, if they had, that the Eightieth Congress had erased them all from the statute books.

I believe that there are few, if any, members of this body who would not agree that prior to the enactment of those laws workers who wished to organize and bargain collectively were in many, many cases prevented from doing so and unfairly treated. I believe there are few, if any, members of this body who would not agree that organized labor in the past had a long and slow uphill battle to secure recognition in law of the right of workers to organize and engage in concerted activities for the purposes of mutual protection. But that right received the protection of law over 15 years ago, is still incorporated in the law today, and was not disturbed by the Labor-Management Relations Act.

In the early days of this century the concerted activities of labor organizations were held to be subject to the antitrust laws, with the result that workers engaged in concerted activities at their peril. Congress attempted to remedy this in the enactment of the Clayton Act in 1914, but the interpretation put upon this act by the courts did not improve the situation. During the 1920's, as a result of the yellow-dog contract and the continued application of the antitrust laws, the doctrine that injunctions were an appropriate remedy to prevent workers from engaging in concerted activities came into full flower. That situation was corrected by the enactment of the Norris-LaGuardia Act in 1932—and every essential feature of that act is still in effect today.

None of us here looks with pride upon the treatment of organized labor a generation ago. But that is not the situation today, and it is not that situation that we are here legislating about.

All of the acts that I have referred to that have been enacted in the last 20 years for the protection of workers are still intact in all of their essential provisions, and not even the most violent opponent of the Labor-Management Relations Act, 1947, can deny this.

When the bill reported by the committee was the subject of hearings before our subcommittee, not one witness was able to point to a single case of a union being smashed or of a sweat shop or yellow-dog contract being sanctified by the Taft-Hartley Act. Not a scintilla of evidence has been produced to show that any American worker has been enslaved since its passage. On the contrary, during the two years the law has been in effect the number of organized workers has steadily increased, the number of strikes has steadily decreased, and the wage scales prevailing in collective-bargaining agreements are higher than at any point in our history.

What the bill before us would have you do would be to blindfold your eyes to the situation that exists today and return to the one-sided laws that were enacted to deal with an entirely different situation. I do not use the words "one-sided" in any critical sense, nor

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do I for a moment suggest that the National Labor Relations Act and the Norris-LaGuardia Act did not meet a need for genuine reform at the time that they were passed. In those years more than 10,000,000 persons in our working force were unemployed. Labor organizations had shrunk in membership to less than 2,000,000 and hence were relatively weak and ineffective in protecting the standards and conditions of employment of wage earners. But when the larger part of our factories, mines, and transportation facilities were organized by large and powerful labor unions, the shortcomings in these statutes to deal with the changed picture soon became apparent.

The bill that we have before us would return to all these shortcomings, and this is not because the laws to which the bill would return were bad at the time they were enacted. It is rather because we are today facing an entirely different factual situation than that which existed in 1932 and 1935. But the bill would do even more than merely return to the one-sided Wagner Act. It would go far beyond this. For example, some 21 states have restrictions of one sort or another upon compulsory union-membership agreements. An even larger number of states have restrictions on the check-off. These state laws were never interfered with in any way by the Wagner Act, and yet the bill we have before us would erase all of these from state statute books and state constitutions.

It is claimed by the proponents of the bill that the bill is really two-sided, since it provides for certain unfair labor practices by labor unions. Let us examine this claim for a moment. Labor unions, like corporations, can act only through agents. When a person purporting to act for a labor union does something that is unlawful, the question inevitably arises as to whether his act is the act of the labor union so as to make the labor union liable. Under the bill we have before us it will, in practical effect, be impossible to ever hold a labor union liable for an unfair labor practice because the bill makes the ordinary laws of agency inapplicable to labor unions. Instead it would require in effect that the union pass a formal resolution specifically authorizing its officials to engage in illegal activities before a union could be held liable for committing one of the proposed new unfair labor practices.

What the bill proposes to do, however, is not nearly so significant as what it proposes to omit from the present law.

First. All of the provisions of the present law which give to the government the power to protect itself against the effects of strikes and lock-outs which imperil the national health and safety would be discarded and the United States left helpless when situations like this arise.

Second. All of the provisions of the present law which protect workers from mass picketing and other organized union violence would be discarded.

Third. All of the reforms made to protect individual workers against arbitrary union action by unions having compulsory union-membership agreements with employers would be scrapped.

Fourth. The bill would discard all of the provisions of the present law which make boycotts having no purpose other than monopoly unlawful.

Fifth. The provisions of existing law protecting the political freedom of individual workers would be scrapped, and the workers, through the combination of compulsory union membership and the check-off of union assessments without the workers' consent, would be compelled to support candidates and doctrines with which they do not agree.

Sixth. The bill would omit the provisions of existing law which protect the right of free speech in labor controversies.

Seventh. It would omit all the provisions of existing law which give to employees a method of getting rid of a union which has lost the employees' majority support.

Eighth. The provisions of existing law imposing on unions a mutual duty to bargain collectively would be omitted.

Ninth. The provisions of existing law which make unions subject to suit like all other persons for violation of contract would be discarded; and, moreover, the bill would even discard the provision of existing law which exempts the property of individual union members from execution to satisfy a judgment against the union.

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Tenth. The provisions of existing law which recognize the line between labor and management, and which exempt supervisory personnel from domination by labor unions controlled in fact, or in practice, by the very personnel which the supervisor has been hired to direct would be scrapped.

Eleventh. The provisions of existing law which enabled the Atomic Energy Commission to protect atomic secrets from Communist labor officials would be completely done away with. As a matter of fact, this bill actually encourages the infiltration of Communists and the leaders into unions and opens the door to complete Communist domination of unions. It sanctions the use of closed-shop for Communist objectives and compels employers engaged in the highly secret operations of the Atomic Energy Commission to bargain and deal with Communist-dominated unions. Therefore, I most earnestly appeal to you, my colleagues, to consider the danger to our national security that could result from the enactment of this labor legislation.

Twelfth. All of the procedural reforms in Labor Board practice would be thrown into the discard.

All of these provisions of existing law would be omitted by the bill reported by the Labor Committee, and you can read the majority report on the bill from beginning to end without finding a single word to justify what the bill does in this regard. It is the position of the Republican minority that the House should have an opportunity to consider all of these provisions, decide whether it is desirable to retain them as part of our law, and make only such changes in existing law as the facts justify.

. . . . . .

Mr. BAILEY, Democrat, Virginia. Big business as we know it, eager to exploit, demands that the welfare of our nation makes necessary the continuation of our system of free enterprise. With this idea, labor is in full accord. In return labor asks only that it be permitted to organize, and that it be accorded full right to free collective bargaining in the sale of its services. To this, big business, in its desire to amass huge profits, replied through the Taft-Hartley Act of 1947 that labor must be restricted . . . .

What, may I ask, has happened to that era of good feeling and mutual confidence and respect that existed during the last war, when business was prone to say collective bargaining was necessary to the continuance of this same free-enterprise system? If teamwork was necessary to win the shooting war, why is it not equally necessary to win this cold war that now engulfs us?

They say history repeats itself. I agree fully. At the close of the First World War big business succeeded in breaking most labor unions and this one-sided policy led us to economic disaster in 1929, when our free enterprise system was without counterchecks and balances, and rugged individualism ran roughshod over human rights to the detriment of our public welfare.

REPUBLICANS

At the close of World War II we again see big business, aided and abetted by the Republican Party, engaged in another drive to make material things, not human welfare, the theme song of the post-war era. The first Republican-controlled Congress in 15 years—the Eightieth Congress—gave you the so-called "Labor Relations Act of 1947"—the Taft-Hartley Act—and in so doing they turned back the clock of labor-management relations a quarter of a century to the post World War I era, when government by injunction was legal.

For what do these Republican gentlemen propose to punish labor? For winning the war, on the battle front and the industrial front? For establishing an all-time record of production? For making America the arsenal of democracy? During four years of global warfare, with all its hardships and heartbreaks on the home front, and while the husbands and sons of the workers were fighting, less than one-half of one per cent of all available working time was lost by reason of strikes. Had industry kept its high-sounding no-war-profiteering pledge as well as labor kept its no-strike pledge, our national debt today would not be so high.

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Two years after the cease-fire order ended the greatest of all wars we see those, who shed crocodile tears over the need for nation-

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al unity in war-time, engaged in an all-out economic war to hamper and even destroy organized labor. Why, I ask, would a sane America want to weaken our first line of defense against Communist ideology? Why would we want to destroy that very segment of our population on which our nation must depend in the event of a third world war, that now appears inevitable?

After years of struggle to be freed from the constant threat of the federal injunction, labor appeared to have reached the promised land through the enactment of the Norris-LaGuardia Act in 1932. This act was hailed by a labor spokesman "as a protective shield against invasion of rights that always belonged to labor." In 1947, however, the protective shield was badly cracked by the injunctive provisions of the Taft-Hartley Act.

INJUNCTIONS

The Taft-Hartley-Act, Mr. Chairman, has revived the use of the federal injunction in labor disputes and has reinforced it by directives for its immediate use by public officers against unions. The Thomas-Lesinski bill contains no provision requiring or authorizing the use of the injunction. The Taft-Hartley Act, however, had made such inroads upon the Norris-LaGuardia Act that in drafting the Thomas-Lesinski bill it was considered necessary to restore the Norris-LaGuardia Act to its original status.

The proponents of the Taft-Hartley Act have attempted to justify its injunctive provisions on the grounds that injunctions can be sought only by the government; that they are not made available to private employers. Well, Mr. Chairman, in the first place, that is not entirely true. Section 302 of the Act, relating to welfare funds and the check-off, provides for the use of injunctions to restrain violations of the section and such injunctions are not restricted to the government.

But what difference does it make, Mr. Chairman, that only the government can seek these modern, streamlined Taft-Hartley injunctions? Should the fact make them more palatable to the labor organizations which are restrained from striking, picketing, and other activities for legitimate objectives? Does the fact that the government secures these injunctions make them any less effective in hampering workers in their exercise of basic rights? Obviously not. Indeed, the fact that the government seeks these Taft-Hartley injunctions has a decided advantage for employers, not the least of which is that the costs and inconveniences of litigation are borne by the government.

The history of the use of injunctions, Mr. Chairman, shows that the intervention of the government made the injunction an even more oppressive weapon. It was the government that accelerated the use of injunctions in labor disputes by showing the way in the Debs case. Injunctions had been secured prior to the Debs case, but after that case the trickle of injunctions became a flood. I do not think I would be wrong in saying that it was government use of the injunction, more than employer use, that led to the passage of the Norris-LaGuardia Act.

Then there is the injunction authorized in section 10 (j), which permits the board to seek injunctive relief in the case of any unfair labor practice immediately upon the issuance of a complaint and prior to the adjudication of the case by the board. While this type Taft-Hartley injunction is available against both employers and unions, the score thus far is six to two in favor of the employers.

The use of this injunction, Mr. Chairman, is discretionary with the General Counsel and he saw fit to announce that he considered it a very sacred trust to be used sparingly and only "where either a large segment of the public welfare is endangered or where life and property are seriously and in reality threatened, or where there is a principle involved that will result in substantial and widespread irreparable damage or injury of more than a merely private nature."

Now let us look at the pressing issues which warranted resort to the use of this sacred trust in some of the cases against unions. One case involved the retail meat departments of 11 A & P stores out of a total of the 5,000 stores in the national chain. In the I.T.U. case it was alleged that "there would be paralysis in the newspaper industry" although newspapers printed by substitute methods have

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continued to reach readers in the Chicago area despite a strike that has been in progress for over a year.

. . . . . .

The third type of Taft-Hartley injunction, Mr. Chairman, is provided in section 10 (l). This section requires the Board to seek injunctive relief against unions in the case of secondary boycotts and related matters. The employer really gets service under this provision. Such a complaint is given priority over all other complaints and if, after investigation, the Board's agent has reasonable cause to believe that a complaint should be issued, he must—it is mandatory—petition a federal court for an injunction.

Furthermore, Mr. Chairman, in such cases a different test of coverage of the act is applied than in any other case. In a recent case the Board declined jurisdiction over a plastering contractor who had been charged with an unfair labor practice on the ground that his activities were essentially local and had only a remote and unsubstantial effect on interstate commerce. The Chairman of the Board stated, however, that the Board would not have a similar discretion to decline jurisdiction if the same case had involved a secondary boycott by a union. The effect of this is well stated by another member of the Board who disagreed with the Chairman. He stated:

> If the employer commits an unfair labor practice, the employees are left without redress; whereas if the union violates section 8 (b) (4) (A) the employer is afforded plenary relief.

I am sure the Chairman of the Board reached his conclusion reluctantly. He had no choice, however, under the provisions of the Taft-Hartley Act.

These mandatory 10 (l) injunctions, Mr. Chairman, can be secured only in the case of union unfair labor practices. In answer to criticisms of the one-sided nature of this provision, our opponents have tried to justify this one-sidedness by arguing that this injunction is directed at union practices which threaten the very existence of a business. What are some of these horrible practices, Mr. Chairman? In one case it was the distribution of an "unfair list" and peaceful picketing by one picket. In another case union members refused to work alongside of nonunion workers installing floor coverings, the nonunion men being employees of the supplier of the floor coverings, a retailer of housing material. These are typical of the threats to the existence of businesses which the Board has been required to enjoin under the Taft-Hartley Act.

These injunctions, Mr. Chairman, are issued after a summary proceeding which is in no sense a determination of the merits of the case. The summary nature of injunction proceedings is particularly objectionable when you realize that the effect of an injunction in a labor dispute is not to maintain the status quo, but to upset it by stopping the picketing, boycott, or strike and returning the situation to where it was prior to the action in question. In other words, Mr. Chairman, although these injunctions are supposed to be temporary relief pending the adjudication of the case by the board, they really effectively and finally determine the outcome of the dispute.

The effect of these injunctions, Mr. Chairman, is to deprive unions of these economic weapons, because their effectiveness depends upon their use at the strategic moment. The lapse of time between the issuance of the injunction and the final adjudication by the board of the merits of the case does the union irreparable damage. If the board later finds that no unfair practice has been committed by the union, there is no possible way to undo the damage done to the union by the injunction. The passage of time is a very effective weapon of advantage to the employer.

Some supporters of the Taft-Hartley Act are willing to retreat to the extent that they will remove the mandatory injunction provision and leave only the permissive injunction. The new Wood bill makes two major changes in the injunction provisions of the Taft-Hartley Act. Both are more objectionable to labor than the Taft-Hartley bill itself.

It removes the provision making it mandatory for the general counsel to secure an injunction against an unfair labor practice as defined in sections 8 (b) (4) (A), (B), and (C)—secondary boycotts—the bill would grant new and broad injunction power to the general counsel. In section 10 (j) of the Wood bill, it is provided "whenever it is charged that any person has engaged in an unfair

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labor practice under this act, the general counsel may petition any district court of the United States for appropriate injunctive relief pending the final adjudication of the board with respect to such matter." This means that the general counsel may secure an injunction as soon as a charge is filed with a regional office and before any complaint has been issued in that case.

Section 10 (j) also permits the court to grant a temporary restraining order, an *ex parte* proceeding—to be effective for not more than five days—without any notice or hearing to the party against whom the injunction is issued. Here we have an example of a real labor czar with unlimited powers. I object, and I am sure other members of the Congress object, to placing such legal authority in the hands of an executive officer.

I want no part of the injunctive provisions, permissive or mandatory. I am basically opposed to any legislative enactment that contravenes a citizen's constitutional guarantees to the right of free speech, free press, and the right to a trial by a jury of his peers.

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RECORD

The supporters of the Taft-Hartley Act have ridiculed the charge that there has been a revival of government by injunction and have pointed to what they describe as the limited use of Taft-Hartley injunctions. As of January 31, 1949, Mr. Chairman, 41 injunctions had been sought under sections 10 (j) and (l) of the Taft-Hartley Act, all but two of which have been directed against unions. Thirty-nine petitions for injunctions against unions in a period of 18 months. When you consider the far-reaching effect of the injunction upon the relationships of the parties to a dispute, you must agree that this is a high number in a period of generally favorable economic conditions. Compare this number to 83 cases brought under the Sherman Act during the period of 1890 to 1930—83 injunctions in 40 years against 39 injunctions in 18 months. The charge of government by injunction is well-founded.

The fourth Taft-Hartley injunction is that provided in section 208, which authorizes the President to direct the Attorney General to petition for injunctive relief against work stoppages of a national emergency character. Authorities in the field of labor relations have testified that an injunction in most cases serves to aggravate a dispute and to delay its settlement. Of course that criticism is directed to the effectiveness of injunctions. The most ardent supporters of the Taft-Hartley legislation must agree that in the period of slightly less than 2 years in which the law has been operating, it has never settled a single labor dispute through injunctive procedure. In all the instances where the injunction was resorted to, the strike was finally settled around a bargaining table. One instance was the bituminous coal strike of 1948 where the final settlement on a contract was reached 12 days after the expiration of the 80-day period provided for in the injunction procedures.

Once more the Wood bill goes a step farther than the existing Taft-Hartley Act in that the procedure for dealing with national emergency strikes is so changed so that the President must get an injunction before he can use the procedure of appointing a board of inquiry to determine the facts in the case. In effect, this provision means that the President may not attempt to use the board of inquiry method for settling the dispute until he has secured an injunction to force the workers to continue at their jobs or to return to them.

Here you have a grave constitutional question in which you deny the worker the right to strike. This new move of the coalition against labor is aimed solely at weakening the President's position in settling strikes affecting the national welfare. It kills the 30-day cooling-off period provided in the Lesinski bill and if adopted, would kill the 80-day inhibition against strikes contained in the present Taft-Hartley Act.

I am convinced, Mr. Chairman, that regardless of their effectiveness, the use of injunctions in these situations is fundamentally bad. They increase the resentment of workers who are compelled to work for private employers with no comparable burden put upon the employer and encourage employers to refuse to bargain, knowing that they will have the labor of their employees for at least 80 days on their own terms. In effect, Mr. Chairman, this injunctive provision presents

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to employers a gift of the forced labor of their employees for a period of 80 days. The injunctive provisions of the Taft-Hartley Act have been aptly described as hateful and unnecessary. The sole test of a labor-management law should be its effectiveness in promoting collective bargaining and peaceful industrial relations. The sanctions of the injunction, with its overtone of compulsion, will never create harmonious relationships between management and labor.

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Only a police state can abolish strikes. No country which values free labor can abolish strikes in any industry, however affected with the public interest, so long as the employers are private persons or corporations. The ambiguous and yet undefined terms "national emergency" and "public health and safety" have been used to cloak a multitude of sins—it should be recalled that Hitler used them to seize and secure his total power over the lives of the people of Germany. Surely a law which justifies and makes possible suppression of the basic freedoms by the government on these vague grounds creates a greater inherent threat to the public welfare than the contingencies at which it is aimed. The enactment of a law that impairs the rights of one group today establishes a precedent for the impairment of those of other groups tomorrow.

It is revealing that those who have been the most insistent in their use of the catch-all phrase "public health and welfare" to justify the suppression of free collective bargaining in wide sectors of industry are the same ones who oppose most strenuously government activities designed to further the public health and welfare in limited fields where a genuine need is most apparent and readily definable, such as housing, social security, and health insurance. Their pet peeve is summed up in the phrase "creeping socialism." They are really the mouthpiece for the United States Chamber of Commerce and the National Association of Manufacturers.

Where this injunction procedure has been used, it has definitely hindered the ironing out of grievances and that voluntary mutual agreement between the parties directly concerned that is the essence of collective bargaining and the only sound basis for lasting industrial peace and stability. Strikes are not the causes of industrial unrest but the effects of more basic underlying grievances. The arbitrary suppression of effective protests against those grievances only serves to aggravate them further and build up pressures that would be bound to eventually culminate in an outburst that all the laws on the books could not control.

Speaking facetiously, Mr. Chairman, may I make the point that all that labor wants out of the Eighty-first Congress is its "two front teeth" which were kicked in by the Taft-Hartley law.

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Mr. GWINN, Republican, New York. It should be perfectly apparent that we must have industrial order and industrial law just as we have civil law. Without industrial law and procedure we will have anarchy, licensed and legalized, just as we might have lynching, without civil law.

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I, for one, would be in favor of repealing the Taft-Hartley Act if at the same time we should repeal the Wagner Act, and go back to the free society, rough and tough as it might be. We should be able to work it out under the common law. But we quit that possibility with the Norris-LaGuardia Act. At that time we began to exempt labor unions entirely from the law. We made them anarchists on their own account. They could strike and picket and commit violence; after that there was no satisfactory legal procedure by which order could be restored.

Now we have a system of law that has been developing over the past 15 years, a system of procedures in the Labor Relations Board, in the general council, in conciliation, and in the courts. There is no excuse now for labor not to submit to law and regular proceedings like any other individual or group must submit to law. Certainly, labor cannot be the one exception to the law, the one group that is free to take the law into its own hands. It cannot be allowed to decide what is right by mere men compelling other men to do right or to cease from doing wrong through the compulsions of an individual or a group of individuals without regard to the law or the

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courts. Under that exemption from law, the Wagner Act was a specific invitation to one group alone in our society to do as it pleased. It was invited to settle its own affairs according to strikes, picketing, and compulsion.

In 1946 we experienced the evils of the railroad strike. That was so bad, prior to the Taft-Hartley hearings, that the President himself introduced a bill in this House to draft the railroad employees into the Army in order by that method to compel the settlement of the railroad strike. Then we got into the coal strike with no law covering the situation. At a nod or a wink, which the court described, 400,000 men quit instantly in an industry nation-wide, by concert of action in the digging and transporting of coal in the wintertime. That had been a regular annual occurrence for years; something dreaded by the whole nation. There was no adequate law or procedure to deal with the problem.

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STRIKES

You all remember that. Then came a series of other acts of violence. Whole states were paralyzed by strikes. Half of the state of Pennsylvania was in the grip of a beer war carried on by widespread violence of the transport union.

The provision in the Taft-Hartley Act known as the National Emergency Provision, section 206, was enacted as a result. May I read it to you:

> SEC. 206. Whenever in the opinion of the President of the United States a threatened or actual strike or lockout affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several states or with foreign nations or engaged in the production of goods for commerce will, if permitted to occur or to continue, imperil the national health or safety, he may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lockout or the continuing thereof; and if the court finds such threatened or actual strike or lockout.

First, affects an entire industry or a substantial part thereof engaged in trade, or if permitted to occur or to continue will imperil the national health or safety, the Attorney General shall have jurisdiction to enjoin any such strike, or lockout, or the continuing thereof for a period of 80 days.

This does not in any case refer to the right of the individual to quit work. Nobody can argue in reason that when 400,000 men in an entire industry covering a whole nation quit on the tick of a watch in concert that that is merely the exercise of the right to quit work in the ordinarily accepted term. That is instead a conspiracy against the public. It is a use of force, a taking into their own hands the exercise of rights over the property of others and over the rights of individuals to work or not to work, all of which is accompanied generally by violence or threats of violence. Those 400,000 men are not exercising the right to work or not to work as individuals. Their rights are subjected to the whim and will of another mere man who alone gives the nod restoring those individual rights and the rights of property and the health and safety of the public. He alone grants or denies industrial peace.

The Taft-Hartley law covered, therefore, a conspiracy, a lawless act and violence that protected rather than violated constitutional rights.

The best test to find out whether it works honestly and fairly and by orderly procedure is to review very briefly the national emergencies and threatened strikes since the Taft-Hartley Act.

We start with the injunction secured in the atomic energy case. There the court found, and the affidavits so stated, that the experimentations going on at that time, which was March 5, 1948, in the most critical laboratory of all, having to do with one of the two known materials that have to do with the making of atomic energy and having to do with the carrying on of the national defense, was selected by a group of labor unions for a strike. On the basis of maintaining the continuity of that delicate operation and of our national security, the court granted an injunction. After the appointment of a fact-finding board and after conciliation services were brought to bear under the act, the strike was settled.

In the same month, on March 16, a meat packers strike was threatened and another national emergency was created. The Presi-

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dent immediately declared a national emergency affecting the health of the people and the Attorney General secured an injunction. In that case, and after orderly procedures, the meat packers strike was settled. There was no disorder, there was no violence to speak of, there was no endangering of the public health, there was no violation of property rights.

And so we went into the second threatened coal strike, into the communications strike, into the maritime strike in June, 1948, and finally again into the coal strike of June, 1948.

I have copies of the documents here before me. They are perfect representations of what legal procedure does in order to bring about orderly settlements. The final order in the Atomic Energy case illustrates fairly well what has happened under this provision of the land. Here is a part of the order of the court:

> And, upon the oral hearing of the application of the United States of America for such temporary restraining order, counsel for all defendants—

That is, all of the unions; there were something like 20 of them—

> having agreed and stipulated in open court that further hearings are unnecessary and are waived and that, in lieu of the entry of such temporary restraining order and a further hearing on plaintiff's application for a preliminary injunction and for further relief, a final injunction as contemplated by sections 208-210 of the Labor Management Relations Act, 1947 may be entered against all defendants in this action on the basis of the showing made at the application for the temporary restraining order.

In other words, the whole business had been satisfactorily settled out of court. The 80-day cooling-off period had worked.

In the Thomas-Lesinski bill there is no such orderly legal procedure provided for at all. First, it provides that the President may make a proclamation in the case of a national emergency in which he asks the parties to desist just as he might make a proclamation for Thanksgiving, asking the parties to observe Thanksgiving or asking the nation to observe National Flower Week, or some other national occasion, with no power whatsoever to carry out anything.

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The proclamation itself has no more power in it than what I have said. The President also has the power to appoint a board to study the situation for 25 days if he declares there is an emergency in national health and safety, but what is his remedy after the board reports? The third provision of the bill is to the effect that his remedy is to request or direct the men to go back to work, with no power to make them go back. If he had that power, that clearly would be unconstitutional. He would be attempting to tell men as individuals, after they have struck and are back home or are working someplace else, to go back to work. But he is without any legal authority to compel them to do so. And he should have no such power. That would be bad in every respect. It violates section 502 of the act.

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The original Taft-Hartley Act and the Wood bill which is proposed, make a very great and fundamental distinction in law. The whole process of conspiring as a group to strike in the first place is the illegal act, and the union officials, such as Mr. Lewis, are directed by the injunction not to make the nod in the first place which commits 400,000 men on a national scale to strike. It stops men from conspiring in the first place as an illegal act. It fines the leaders who commit the illegal act. The injunctive process stops the illegal acts instead of trying to compel the individual men to go back to work once they are out.

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Mr. PERKINS, Democrat, Kentucky. Mr. Chairman, H. R. 2032 is a bill which restores the national policy of free collective bargaining and adds some provisions designed to make the policy even more effective. I want to take a few minutes to explain why, in that bill, we did not include two provisions that are in the Taft-Hartley Act—the provisions requiring the filing of a non-Communist affidavit by representatives of unions, and the use of the injunction in so-called unfair-practice cases of employees as well as in labor disputes.

The elimination of Communists would seem to be the purpose of this provision of the Taft-Hartley Act, but it does not accomplish that. The act effects only a limited number of offi-

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cers. If these do not sign non-Communist affidavits, then none of the members of the union nor the union itself can avail themselves of the services of the N.L.R.B.

But, at the same time, the union cannot protect itself under the Taft-Hartley Act against disrupters and Communists so long as they pay their dues. They now have rights which the Taft-Hartley Act seeks to protect. It is an unfair labor practice to require the employer to dismiss these disrupters and Communists. If they pay their dues, they can continue to propagandize among loyal workers; they can continue to bore from within; they can continue to agitate for quickies and for political strikes; they can continue to make the life of the union precarious in every way.

Is that the way to weaken the influence of communism in unions?

COMMUNISTS

Communism is a major issue of our time. Let us deal with it as a whole, not in this underhanded way, which strengthens the influence of Communists in unions, on the one hand, while, on the other, it tries to create the impression that Communists are to be found only in unions.

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The provision in the Taft-Hartley Act regarding the handling of strikes or threatened stoppages which would jeopardize the national health and safety is the wrong way to approach this problem. The Director of Conciliation testified before the Senate committee that they sometimes had to stop negotiations at a critical period before the deadline provided in the act was reached in order that a board of inquiry might be set up, since a report had to be filed before the President could ask for an injunction. The result was that weeks before the deadline firm positions were taken and negotiations effectively cut off. Then the Board made its report without recommendations, injunctions were sometimes issued, and the question became, not one of settling the controversy but rather of living up to the terms of the injunction. According to the former labor-relations director for New York City who appeared before our committee, the emergency strike provisions of the Taft-Hartley Act hindered the settlement of the tugboat and longshore disputes in New York.

The Lesinski bill recognizes that there may be national emergencies because of an actual or threatened work stoppage and that the public interest must be protected, but it avoids the use of the injunction process of unhappy experience.

When the President declares that a national emergency exists, he may appoint an emergency board to investigate and make findings and recommendations, which are not permitted under the Taft-Hartley Act, thus missing the opportunity to focus the interest of the parties and the public on a reasonable solution. The status quo will be maintained without the threat of an injunction, as it has been under the Railway Labor Act. This is generally acceptable to both labor and management.

There is no record that the use of the injunction as provided in the Taft-Hartley Act has either solved industrial-relations problems or provided a guaranty against work stoppages. In a number of cases a strike ensued after the entire waiting period was consumed. The effect of the injunction was to delay the strike and then to delay the settlement while discussing the issues raised by the injunction.

The provision in the Lesinski bill shortens the waiting period to 25 days, but it requires that the status quo be maintained during this period and that the board of inquiry make actual recommendations. According to the most experienced men in conciliation and mediation, this is an improvement over the provisions in the Taft-Hartley Act and makes completely unnecessary the resort to the injunction process.

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Mr. BURLSE, Democrat, Ohio. The basic question is the matter of a national labor policy.

The errors are the writing in the Taft-Hartley Act of one, the requirement that the Department of Labor and the National Labor Relations Board shall be furnished with facts about the internal organization of unions and financial statements; two, the requirement that before unions can apply for the advertised protection of the act the union officials shall execute affidavits swearing that they are not members of the Communist Party;

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and three, the so-called mutual obligation to bargain laid upon employers and upon unions.

These three errors are typical of many embedded in the Taft-Hartley Act. It was this assortment of fish-hooks and legal booby traps planted throughout the act that justified the comment, made immediately upon the passage of the law in 1947, that the Taft-Hartley Act was hell for workers, purgatory for employers, and heaven for the lawyers. Experience since that date has shown that statement to have been a fact.

LEGAL TANGLE

Today, as the inevitable result of the attempt to put labor relations in this country in a legal strait-jacket, to say "thou shalt" and "thou shalt not" at every hour in the daily relationships between workers and management, with stipulated procedures, with the continual overhanging threat of arbitrary use of the injunctive power by the N.L.R.B. general counsel at the request of the employer, with both the N.L.R.B. and the Labor Department bogged down in paper work required under these and other evil provisions, the administration of the Act is a complete and utter failure. It has broken down. By delaying justice for one and two years, it is denying the justice to workers it was advertised as protecting.

The regional office of the N.L.R.B. in the city of Detroit is telling the unions who appeal to it for action on complaints against employers that no action whatever can be expected for at least four months.

This means that effective action cannot be expected by workers and their unions in less than a year or two years, if the employer takes the matter through the courts.

Meantime, as has been said, employers can get service while they wait in the form of injunctions against unions. They get this short-order service from the ever eager and obedient N.L.R.B. General Counsel Denham, who has become expert at serving requests for injunctions off the cuff and sliding them down the counter on demand.

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Because it provides a legal labyrinth for snaring workers and their unions into endless negotiations, litigations, injunctions, damage suits, and the like, the Taft-Hartley Act is productive only of mutual suspicion, fear, dislike, disgust, industrial conflict, leading to industrial war—a war that would be not of the workers' making, but a conflict forced upon them by individuals, groups, and forces determined, as in the 1920's, to weaken, divide, and destroy unions and the very idea and practice of unionism and collective bargaining in this country.

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H. R. 4290 says with a sly smirk that the mandatory use of injunctions on a Number One priority basis under certain circumstances is to be repealed; the use of injunctions is to be made discretionary with the N.L.R.B. General Counsel, who shall have the power to seek an injunction in any case in which there has been a charge of an unfair labor practice.

Mind you, the injunction may be obtained by the general counsel before any complaint has been issued by the N.L.R.B., before there has been any examination of the facts and evidence, before there has been any responsible determination by anyone aside from the N.L.R.B. general counsel. Again, we meet Judge Lynch, the law west of the Pecos, that proposes to "hang 'em first and try 'em afterward."

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H. R. 2032 is a sober, responsible, carefully considered measure intended and designed to re-establish and implement a national labor policy that helped to bring us out of the depression of the twenties and early thirties, that assisted in giving us as a nation the productive strength and the greatest industrial production in the history of mankind, and that helped powerfully to win World War II.

We would be stronger now, Mr. Chairman, if we had not taken the wrong turning in 1947, blaming and seeking to punish labor for an inflation and a period of post-war industrial unrest in which wage earners, individually and in unions, were the principal victims.

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Mr. Chairman, I urge the members of this House to defeat legislation that, while paying lip service to union organization and collec-

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tive bargaining contains deadly booby traps and land mines for the destruction of labor unions and the elimination of collective bargaining in the months and years ahead. By the pessimistic reckoning of some employers, we shall have a surplus of labor that will permit them to pick and choose on what organized labor calls the bad old "red apple for the foreman" basis of favoritism.

Here we get at the real issue in this debate. The issue is between those who really believe in the practice of collective bargaining between free unions and free employers and those who prefer a pretense at collective bargaining in which labor, no longer free, is handicapped at every stage by the legal and procedural strait-jackets, and ankle-irons proposed in the Wood bill and other amendments to H. R. 2032.

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H. R. 2032 adds to the Wagner Act certain important substantive provisions providing for effective machinery in handling jurisdictional disputes and in declaring that secondary boycotts in support of jurisdictional disputes are unfair labor practices by unions.

In a free society a national labor policy need not and should not go far beyond the establishment of legal guaranty of the right to organize and to bargain collectively. It is fair and proper that an employer should be protected against being "caught in the middle" of a jurisdictional dispute brought about by no act or wish of his own, and that is provided in H. R. 2032.

One of the Taft-Hartley Act's principal errors was in attempting to take free unions and free employers a long way down the road toward complete "legislative determination of the terms and the conditions of private employment."

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No section of the Taft-Hartley Act shows more openly its one-sidedness and its confusion than that section which calls upon elected union officers to sign non-Communist affidavits if they wish to use what few facilities of the National Labor Relations Board are still of importance to them.

My own experience, and the conversations I have had with many union leaders—in national offices and local offices—confirms the fact that the anti-Communist affidavit is of little use to anybody but the factories which produce the paper for the affidavits, and a few clerks at the Department of Labor whose jobs may depend on filing the affidavits into neat bundles. There should be something better for them to do.

I have always opposed Communists in labor unions and everywhere else. My union, the United Automobile Workers, has had considerable success in rooting out Communists from positions of leadership. Other unions in the Congress of Industrial Organizations have had similar successes in recent years. But the affidavits had nothing to do with this cleansing of Communists from union positions.

There are Communists still holding some positions in some unions in this country. They did not sign the affidavits; they just stepped into other jobs and let their stooges take the elective posts and sign the affidavits. But the Communists were not swept from office in my union by affidavits, and they will not be swept out of their jobs in any other unions, until the members do the job.

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Some of the people who will support the Taft-Hartley Act acknowledge the correctness of labor's criticism of affidavits—but with typical refusal to face the facts, they seek to compound error upon error. Rather than repeal the Taft-Hartley Act and its affidavit section, they say: "Let's extend the affidavits, and make employers sign them too." Presumably those paper manufacturers and those Labor Department file clerks will welcome the extra work—but I think their services can be put to better use. I am willing to concede that the board of directors of the National Association of Manufacturers does not contain a single Communist—though I am often tempted to think that in their opposition to all progressive legislative proposals, they are acting just the way the Communists want them to act.

Even the Joint Committee on Labor-Management Relations, headed by former Senator Ball, admitted that extension of affidavits would have no effect—except perhaps to fool workers into thinking the Taft-Hartley Act was being modified. And the committee point-

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ed out that proposals for such an affidavit by employers might be tossed out by the United States Supreme Court as completely meaningless legislation.

The affidavit section was unnecessary legislation. So was the proposal that unions must file financial statements with the federal government. When the Taft-Hartley Act was first under consideration, its sponsors were told that almost every union files public financial statements. It was pointed out that there was nothing secret about those figures. But Congress legislated on the subject anyway. The unions still publish their financial statements, and the government files get further clogged with useless papers. Congress legislated against menaces that simply did not exist—both so far as the financial registration provision was concerned and on the whole subject of labor-management relations.

It is time that we heeded the call which they sounded at the voting booths last year. As a first step, we should repeal that evil legislation which has come to represent reactionary spirit.

Mr. Chairman, I urge that we pass H. R. 2032 to repeal the Taft-Hartley Act—as a first step toward enactment of the Fair Deal program which the people of the United States so earnestly demand.

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Mr. HOLIFIELD, Democrat, California. Mr. Chairman, many years ago, some place, I heard the following philosophical bit:

> Don't trouble trouble if trouble doesn't trouble you.

Applying this pithy truth to the serious and important problem before the House today, I make these observations:

The Taft-Hartley Act is a trouble creator. It is a trouble stimulator. It sparks combustible matter.

Successful plant labor relations systems existing in many of our industrial enterprises throughout the country are of delicate, sensitive structure. They are the result of many fine adjustments created by employers and unions through the collective-bargaining process. Generally, in the employee relations history of these plants, there have been some rough periods; strong disagreement between managements and employees, strikes, misunderstanding of motives. Yet, out of these have grown fair and democratic rules of work and pay embodied in negotiated labor agreements. The scars have healed but are remembered.

Suddenly, from the outside, an all embracive statute, the Taft-Hartley law, superimposes a prefabricated labor relations policy tailored to much of the worst in labor relations and little of the best—and these successful plant systems find themselves modified by a heavy super-structure of detailed federal law. What the original Wagner Act brought together the Taft-Hartley Act rips asunder.

What do we find?

RESULTS

First. Bootleg labor agreements where the employer and the union, having lived with the closed shop, continue to do so without benefit of the law.

Second. Technical rules for serving notices of varied description; employer to union, union to employer; 60-day notices, 30-day notices; notices to terminate a contract—all calendar-controlled and perilous if a day is missed.

Third. Legal strikes. Illegal strikes. Uncertainty as to where and when legality turns into illegality.

Fourth. The legalisms of "causing," "attempts to cause," "inducements," "attempts to induce," and so on until management and labor representatives turn into curbstone lawyers scanning a statute, long and involved, slated for years of Supreme Court interpretations.

And so on, I can enumerate the new and the novel our industry and our labor finds itself faced and concerned with.

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Mr. MORTON, Republican, Kentucky. In the areas in which the majority admits that the Lesinski bill departs from the Wagner Act; namely, secondary strikes and jurisdictional disputes, we find a highly complex situation which should have been carefully explored in committee session. The fundamental fallacy of all the arguments in favor of secondary strikes is that they are inconsistent with the basic right of employees to make a free choice as to whether or not they will join a union

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and bargain collectively through their own representatives, free from coercion by employers. In the face of that right, secondary strikes and boycotts have no justification, for the secondary strike is not directed to persuading nonunion employees to join the union because of the benefits they can obtain by becoming members. It is directed against the employer of those employees.

Both under the original Wagner Act and under present law, the employer cannot take sides. He is forbidden to interfere with his employees in the exercise of their rights. He is forbidden to discriminate in regard to hire or tenure of employment, to encourge or discourage membership in any labor organization. Many secondary strikes when used in the past were to force an employer to force his employees to join a union. Under either the Wagner Act or present law, that forces an employer to break the law.

This type of secondary strike and boycott might have had some justification in the era before labor's bill of rights was passed. Since that time a strike by union labor in order to compel their employer to cease dealing with a nonunion employer should have been an unfair labor practice, because the nonunion employer may not legally control or affect the union or nonunion status of his employees. The method by which the union should seek to unionize the employees is not the method of indirect coercion but the direct and democratic method of persuasion and selling itself by the advantages which it offers.

There is one form of secondary strike prohibited under present law which works an injustice to organized labor and it certainly should be corrected. The Taft-Hartley Act has a flat prohibition against the secondary boycott in all circumstances. This provision has been justly criticized on the ground that under it an employer whose men are on strike can farm out his work to another employer who may hire members of the same union. The present law should be amended so as to permit union members to refuse to work on contracts that are farmed out by employers whose employees are engaged in a legitimate strike.

In section 8 (b) (4) (A) of the present law, the owner of a small business is protected against enforced membership in a union organization or even in an employer organization. Most of the members of the committee are familiar with the Dock Street case which was to some degree responsible for the inclusion of the section above referred to in the present act. The Lesinski bill is silent on this subject. Just recently the International Barbers' Union, at its last convention, directed all union barbers to refuse to work at any shop unless the proprietor himself joined the union and paid dues, initiation fees, and special assessments, even though such proprietors had no right to participate in union affairs. Only after charges had been filed under the National Labor Relations Act did union officials agree to stop pressing this demand. If the Lesinski bill is adopted as presented, proprietors of barber shops as well as thousands of other small-business men would be at the mercy of such union demands.

JURISDICTIONAL STRIKES

The so-called prohibition against jurisdictional strikes which the Lesinski bill contains is just as empty. The Taft-Hartley Act in unequivocal terms made jurisdictional strikes an unfair labor practice and a cause of action for damages unless the employer involved in the jurisdictional dispute was violating a certificate or order of the Board by not assigning the disputed work to members of the striking union. The Lesinski bill not only contains no provision for suits for damages in order to deter jurisdictional strikes but does not make them even unfair labor practices. What it does is to provide that in the event of a jurisdictional strike the Labor Board may appoint an arbitrator. It is only after the arbitrator's award becomes final and binding that it becomes an unfair labor practice to continue a jurisdictional strike. In other words, the bill provides no method of obtaining any effective relief for at least two years after such a strike begins if the Board's present pace in keeping up to its docket may be accepted as a fair index.

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Mr. HOWELL, Democrat, New Jersey. Mr. Chairman, this bill which is before us wisely makes no provision continuing the Joint Committee on Labor-Management Re-

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lations established by the Taft-Hartley Act. It wisely makes no provision for any committee similar in set-up and authority to the so-called "watch dog committee."

The watch dog committee has for all practical purposes expired. This committee functioned long enough to demonstrate its ineptness and undesirability. It functioned long enough to demonstrate the manner in which quasi judicial functions can be interfered with by members of Congress. In that way, and that way alone, it performed a useful function.

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H. R. 2032 does not provide for constant legislative scrutiny of the Labor Board activities. It does provide for cooperative efforts by the various interests of our country in improving the highly important functions of labor-dispute machinery. These efforts would be directed to the prevention of labor disputes, as well as to the formulation of policies and procedures most conducive to the peaceful settlement of disputes which do arise. Labor, management, and the public would express their views on these subjects through representation on labor advisory committees appointed by the Secretary of Labor. These advisory committees would assist the Secretary in administering the mediation and conciliation functions which would be restored to the Department of Labor under the bill. The creation of such committees would be a revival of a practice previously instituted by the Secretary of Labor. You will recall that the services of tripartite committees were most advantageously utilized by the Secretary of Labor in behalf of the Conciliation Service prior to the passage of the Taft-Hartley Act.

Under the Taft-Hartley Act, the conciliation and the mediation functions of the government which may be exercised by the Federal Mediation Service are restricted in several respects. These restrictions would be removed from the reconstituted Conciliation Service under H. R. 2032. In the first place, the assistance of the Service would not be prohibited in connection with any particular class of cases. In the second place, it would be able to assist freely in the settlement of disputes involving existing agreements. Under the Taft-Hartley Act, federal assistance may be offered in grievance cases under existing agreements only as a last resort and in exceptional cases. This appears to me to be a serious deficiency. A labor dispute is just as undesirable whether it arises under an existing contract or from conditions outside of the contract. It is just as costly, just as wasteful and disruptive of the interests of all concerned. The treatment of arbitration procedures under the Taft-Hartley Act is, in my opinion, not tenable. It is, of course, true that settlement by the parties concerned under a method agreed upon by the parties is the most desirable method for the settlement of any disagreement. But the parties should not be pushed into providing such a method. This is too much the same thing as compulsory arbitration. It is not in any sense free collective bargaining. Disputants in large numbers of cases should not be penalized by being deprived of governmental assistance in reconciling their differences. The federal government desires, it is my understanding, to foster industrial peace. The federal government desires to minimize industrial strife. But its assistance in attaining these aims is half-hearted under the Taft-Hartley Act. For disputes arising under existing agreements, the federal government may come in as a last resort, or in exceptional cases.

The state of desperation should not be a condition precedent to government aid in labor disputes even under existing agreements. An effective conciliation service should assist the parties to a dispute in developing and perfecting arbitration techniques when necessary at any stage of disagreement. Such a service can also give invaluable aid to the parties to a dispute in framing basic issues to be decided by arbitration. These services can be utilized before an impasse has been reached, whether the dispute involves an interpretation of an existing contract or otherwise. These services could prevent an impasse with its undesirable psychological influence and time-consuming effects. You will recall that the United States Conciliation Service when it was located in the Department of Labor successfully performed functions relating to arbitration.

H. R. 2032 would remove the restraints on

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conciliation and mediation services imposed by the Taft-Hartley Act. Within the discretion of the Director of the Conciliation Service, the facilities of such Service could be made available in any labor dispute. This bill would also remove the impediments regarding the role of the federal government in arbitration. Assistance by the Service in connection with arbitration procedures would be authorized whether the terms of an existing agreement are an issue or not. The Service could once again function in the area of arbitration without serious hindrance. This area is a critical one. I believe that here the federal government can perform a valuable service in stimulating industrial peace. For this and other reasons I give H. R. 2032 my hearty support.

. . . . . .

DEMOCRACY

Mr. BUCHANAN, Democrat, Pennsylvania. The present Taft-Hartley Labor Act was conceived in a punitive spirit. It is not fit for piecemeal correction. It is an offense to our democratic processes. The present labor law has not reduced strikes. It has merely loaded the legal scales against unions, it has exposed their treasuries to harassing suits. It has had only a limited effect on reducing Communist influence in unions. The non-Communist affidavit sections of the act that have been introduced into our law are a dangerous menace and a definite threat to our liberties.

The proposed bill (H. R. 2032) will protect every legitimate public interest. It would continue to protect employers against minor but generally irritating union practices. And it would rid the country of the anti-union spirit of Taft-Hartley.

The proposed bill would abolish the specific legislative sanctions for injunctions to deal with so-called national paralysis strikes. It would eliminate Taft-Hartley provisions abolishing the closed shop, limiting the union shop, and absolutely banning all secondary boycotts. It would restore to unions the right to bargain freely for a full closed shop and would repeal the Taft-Hartley provisions expressly inviting state laws against union security more drastic even than Taft-Hartley.

Organized labor is clearly subject to appropriate regulation by Congress. But Taft-Hartley is not the base from which to start.

The Taft-Hartley bill is intertwined, interdependent, one section upon another, and interrelated. So that to try to amend Taft-Hartley without full repeal would lead to a very confusing, contradictory, and extralegal labor law, almost inconceivably unworkable.

President Philip Murray, of the C.I.O., branded the original Wood bill as being more viciously repressive of labor's basic rights than the Taft-Hartley Act itself. Congressman Wood, of Georgia, has now revised his original bill purportedly to meet some of the objections of labor to the original draft. An analysis of the revised bill, however, demonstrates that the present Wood bill, H. R. 4290, still reenacts most of the substantive provisions of the Taft-Hartley Act and in several important particulars strengthens Taft-Hartley provisions to make them even more objectionable to labor. No one who reads the Wood bill, H. R. 4290, will be deceived by the language which purports to repeal the Taft-Hartley Act. This statement in the bill is mere sophistry. The Wood bill is the Taft-Hartley Act plus additional antilabor prohibitions. The few concessions in the Wood bill purporting to eliminate or change Taft-Hartley provisions are inconsequential and insubstantial. They constitute window dressing which will deceive no one.

Any vote that may be cast for the Wood bill is a vote against labor and against the public interest.

The following is an analysis of the salient provisions of the revised Wood bill, H. R. 4290:

First. The discretionary right of the General Counsel of the N.L.R.B. to obtain injunctions is retained and, in fact, enlarged by permitting injunctions to issue merely upon a filing of charges that an unfair labor practice has been committed and without investigation, proof, or hearings. This would extend rather than curtail government-by-injunction which is conceded to be one of the outstanding abuses of the Taft-Hartley Act. Under this provision the Norris-LaGuardia Act would become a virtual nullity.

Second. The disenfranchisement of economic strikers imposed by the Taft-Hartley

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Act, and conceded even by Senator TAFT to be unjust, is substantially retained in the Wood bill through the device of permitting economic strikers to vote only if they are not replaced 90 days or more before the election. Obviously, employers by delaying petitioning for election until 90 days after the hiring of strikebreakers can still effectively prevent economic strikers from voting in Labor Board elections.

Third. The Taft-Hartley Act language which has been interpreted to prevent peaceful picketing by labor unions is retained by the provision of the Wood bill prohibiting restraint or coercion by unions.

Fourth. The ban on secondary boycotts provided in Taft-Hartley is modified only to a very limited extent. The modification permits a union, if its collective agreement so provides, to refuse to work on struck goods where the striking employees are members of the same union. Most justifiable economic boycotts are, therefore, still prohibited. The provision of the Taft-Hartley Act making it mandatory for the General Counsel to seek injunctions in secondary-boycott cases is modified to give the General Counsel discretion whether to seek such injunctions. But as pointed out above, this discretionary right is extended to permit injunctions to be issued merely upon the filing of charges alleging the union has committed this or any other type of alleged unfair labor practice.

Fifth. Unions continue to be subject to unwarranted law suits in the federal courts, as permitted by Taft-Hartley.

Sixth. The check-off provisions of the Taft-Hartley Act are made more restrictive by making it necessary to procure new check-off authorization cards each year, thus burdening unions with this additional unnecessary administrative burden not now required under Taft-Hartley which permits automatically renewable check-off cards.

Seventh. While the Wood bill purports to eliminate the Taft-Hartley requirement for a union-shop authorization election it provides that 30 per cent of the employees can petition for an election to prohibit a union shop and retains most of the other complicated Taft-Hartley election procedures, including employer election petitions and decertification provisions.

Eighth. The Taft-Hartley Act permits discharge for non-membership in a union under a union-shop agreement only if the employee was discharged from the union because of failure to pay dues. The Wood bill, while permitting discharge also for expulsion because of Communist affiliation or participating in a strike in violation of a contract, would not permit discharge for expulsion from the union because of antiunion activity, embezzlement of union funds, or other recognized intolerable practices.

Ninth. The Taft-Hartley provision making more restrictive state laws against union security superior to the federal law is retained.

Tenth. The Wood bill would make illegal closed or union-shop agreements entered into prior to the Taft-Hartley Act and continuing for a term of years. Such agreements are prevalent in industries enjoying stable collective bargaining relationships and their validity was recognized and preserved by Taft-Hartley. The Wood bill in this as in other respects goes beyond Taft-Hartley . . . .

Eleventh. Taft-Hartley restrictions on collective bargaining in relation to welfare funds are preserved.

Twelfth. The government's power to seek injunctions in national emergency strikes is broadened by providing for the issuance of such injunctions even before the appointment of an emergency board rather than as in Taft-Hartley after such appointment.

Thirteenth. The agency definition of the Taft-Hartley Act under which international and local unions have been held responsible for acts not actually authorized or ratified is retained.

Fourteenth. The Taft-Hartley restriction on political contributions and expenditures by labor unions is retained.

Fifteenth. The so-called free speech provision of Taft-Hartley which goes far beyond the legitimate protection of the constitutional right of employers to free speech is retained.

Sixteenth. The Wood bill, like the Taft-Hartley, would preserve the General Counsel of the N.L.R.B. as a labor Czar by continuing the present separation of powers as between the Board and the General Counsel first introduced in the Taft-Hartley Act . . . .

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A British M. P. visiting Italy asked the head of a big manufacturing concern if his industrial relations were good. For answer, the Italian drove him all around the works. They did not enter any of the buildings—just drove around them. Then the industrialist turned to his guest:

"You see, signor," he exclaimed. "Our industrial relations are wonderful. Not one shot has been fired at us."

Answers (London)

The corpulent, self-complacent Irishman sank into his most comfortable chair and remarked to his wife, "Well, Kate, me dear, life to me seems to have been one long run of prosperity. First I was plain Hooley; then I married you, and became Mr. Hooley; then I was made Counselor Hooley, and later Alderman Hooley. To cap the lot, as I wint into church yisterday, all the congregation, with one accord, rose and sang, "Hooley, Hooley, Hooley!"

Wall Street Journal

The producer of a local dramatic society was giving final instructions before the curtain went up on the first night of the show.

"Now don't forget," he told the heroine, "when the villain takes you in his arms you have to call out loudly, 'Please save me! Oh! Oh! Oh!' "

But the heroine, a telephone girl, brought down the house when she absent-mindedly cried, "Please save me. Oh, double-oh!"

Junior Digest (Erie)

The Sister had distributed paper and crayons to the second-grade class and had asked them to draw a picture of the Holy Family.

Among the many original portraits was Bill's. It showed four passengers in an airplane: three with halos.

"I recognize the Holy Family, Bill," Sister said. "But who is the fourth passenger in the plane?"

Bill looked up at her incredulously. "Sister, don't you know? That's Pontius, the pilot."

Dorothy Barron, *Catholic Digest*

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